THE

NORTHERN IRELAND LAW REPORTS

The Public General Statutes

PASSED BY THE PARLIAMENT OF

NORTHERN IRELAND.

IN THE FOURTEENTH AND FIFTEENTH YEARS

OF THE REIGN OF HIS MAJESTY

KING GEORGE THE FIFTH

1924.

VOL. IV.

STANFORD LIBRARY

Belfast:

Printed by R. Garswell & Son, Limited.

FOR

WILLIAM RICHARD CODLING, Esq., C.VO., C.B.E.,
THE OFFICER APPOINTED TO PRINT THE ACTS,
OF THE PARLIAMENT OF NORTHERN IRELAND

AND

PUBLISHED BY THE COUNCIL OF LAW REPORTING, LAW LIBRARY,
LAW COURTS, BELFAST.

1925.

Digitized by Google

354719

STANFORD LIBRARY

Digitized by Google

TABLE I

A

TABLE

OF

THE TITLES OF THE PUBLIC GENERAL ACTS

OF 1924

being the Acts passed in the FOURTH and FIFTH SESSIONS of the FIRST PARLIAMENT OF NORTHERN IRELAND

14 & 15 GEO. 5.—A.D. 1924

1. An Act to apply certain Sums out of the Consolidated Fund of Northern Ireland to the service of the year ended on the thirty-first day of March, nineteen-hundred and twenty-three, and of the years ending on the thirty-first day of March, nineteen hundred and twenty-four, and the thirty-first day of March, nineteen hundred and twenty-five. (*Consolidated Fund*).

2. An Act to amend the Loans Guarantee Act (Northern Ireland) 1922, by increasing the amount of loans which may be guaranteed under that Act as amended by subsequent enactments, and extending the period for the giving of guarantees thereunder. (*Loans Guarantee*).

3. An Act to extend the powers of the Ministry of Labour to authorise the receipt of benefit in the first benefit year under section four of the Unemployment Insurance Act (Northern Ireland), 1922, as amended by the Unemployment Insurance Act (Northern Ireland), 1923, and to apply those powers to the authorisation of benefit in the next subsequent benefit year; and for purposes connected therewith. (*Unemployment Insurance*).

4. An Act to amend the Dangerous Drugs Act, 1920, and section two of the Poisons (Ireland) Act, 1870, in their application to Northern Ireland. (*Dangerous Drugs and Poisons Amendment*).

Digitized by Google

5. An Act to amend the Explosives Act, 1875, in its application to Northern Ireland. (*Explosives*).

6. An Act to amend Article 22 of the Schedule to the Local Government (Application of Enactments) Order, 1898, and section ten of the Local Government Act (Northern Ireland), 1923. (*Local Government (Financial Provisions*).

7. An Act to extend to Char-a-bancs certain provisions of the Towns Improvement (Ireland) Act, 1854, with respect to Hackney Carriages, and for other purposes connected with the regulation of Char-a-bancs. (*Char-a-bancs Regulation*).

8. An Act for simplifying the preparation and authentication of Commissions of the Peace, for prescribing the fees to be paid by Justices of the Peace in respect of their appointments, and for other purposes connected therewith. (*Commissions of the Peace*).

9. An Act to give full effect to certain enactments in their application to Private Bill Procedure in the Parliament of Northern Ireland, and to make further provision with respect thereto. (*Private Bill Procedure*).

10. An Act to amend the Public Libraries (Ireland) Acts, 1855 to 1920, in their application to Northern Ireland, and for other purposes incidental thereto. (*Public Libraries*).

11. An Act to make provision for the temporary exercise of the powers of Ministers of Northern Ireland. (*Ministers Temporary Exercise of Powers Act*).

12. An Act to apply a Sum out of the Consolidated Fund of Northern Ireland to the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-five, and to appropriate the Supplies granted in this Session of Parliament. (*Appropriation*).

13. An Act to establish a special Capital Fund and to charge sums upon the Consolidated Fund of Northern Ireland for the provision or improvement of buildings for certain public purposes; to extend the powers of the Ministry of Finance with respect to the investment of moneys and the making of loans; and for other purposes connected therewith. (*Exchequer and Financial Provisions.*)

14. An Act to empower the Governor of Northern Ireland to make temporary provision by Order in Council for the amendment of the Unemployment Insurance Acts (Northern Ireland), 1920 to 1924. (*Unemployment Insurance Temporary Provisions*).

15. An Act to make provision for the licensing of wholesale dealers in eggs, the registration of premises where eggs are preserved, the better testing, grading and packing of eggs, and the better prevention of the sale of eggs unfit for human food; and for other purposes connected therewith. (*Marketing of Eggs*).

Digitized by Google

16. An Act to make further provision with respect to the expenses of the administration of certain benefits under the Acts relating to National Health Insurance in Northern Ireland, and to amend section twenty-nine of the National Health Insurance Act, 1918, and for purposes connected therewith. (*National Health Insurance*).

17. An Act to empower the Ministry of Home Affairs to acquire land and buildings for Constabulary purposes. (*Constabulary Acquisition of Land*).

18. An Act to enable the Ministry of Finance to make further advances for discharging the liabilities of the Northern Irish Unemployment Fund. (*Unemployment Fund Act*).

19. An Act to amend the Law relating to certain Duties of Inland Revenue (including Excise), and to make further provision with respect to the cessation of, and relief from, certain Duties, and with respect to Finance. (*Finance*).

20. An Act to amend, and remove doubts as to certain provisions of the Assurance Companies Act, 1909, as they apply in Northern Ireland. (*Assurance Companies*).

21 An Act to consolidate and amend the law in Northern Ireland relating to Industrial Assurance, and to make provision therein with respect to assurances on children's lives, war bond policies and policies to which the Courts (Emergency Powers) Act, 1914, applies, and bond investment business. (*Industrial Assurance*).

22. An Act to remove doubts as to the application of the Deceased Brother's Widow's Marriage Act, 1921, to Northern Ireland. (*Deceased Brother's Widow*).

23. An Act to continue certain Expiring Laws as respects Northern Ireland. (*Expiring Laws Continuance*).

24. An Act to make provision for the permanent adoption in Northern Ireland of the Time adopted for use in Great Britain. (*Time*).

25. An Act to amend the Unemployment Insurance Acts (Northern Ireland), 1920 to 1924. (*Unemployment Insurance No.* 2).

26. An Act to apply a Sum out of the Consolidated Fund of Northern Ireland to the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-five, and to appropriate the further Supplies granted in this Session of Parliament. (*Appropriation*).

27. An Act to make better provision in Northern Ireland with regard to children of unmarried parents; and for other purposes connected therewith. (*Illegitimate Children*).

Digitized by Google

28. An Act to amend section eleven of the Housing (Ireland) Act, 1919, and section one of the Housing Act (Northern Ireland), 1923. (*Housing Acts Amendment*).

29. An Act to prescribe the method of ascertaining the annual rateable value of certain houses and buildings in Northern Ireland for the purposes of the Irish Valuation Acts. (*Valuation Acts Amendment*).

Digitized by Google

NORTHERN IRELAND.

THE PUBLIC GENERAL STATUTES OF 1924

[14 & 15 GEO. 5]

CHAPTER 1.

An Act to apply certain Sums out of the Consolidated Fund of Northern Ireland to the service of the year ended on the thirty-first day of March, nineteen-hundred and twenty-three, and of the years ending on the thirty-first day of March, nineteen hundred and twenty-four, and the thirty-first day of March, nineteen hundred and twenty-five.

A.D. 1924

[31st March, 1924.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, for the purpose of making good the supply which the House of Commons have, in pursuance of recommendations from the Governor of Northern Ireland, granted to His Majesty in this Session of Parliament, as follows:—

Issue of £10 out of the Consolidated Fund for the service of the year ended 31st March, 1923.

1. The Ministry of Finance for Northern Ireland may issue out of the Consolidated Fund of Northern Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ended on the thirty-first day of March, nineteen hundred and twenty-three, the sum of ten pounds.

Digitized by Google

A.D. 1924.

Issue of £279,169 out of the Consolidated Fund for the service of the year ending 31st March, 1924.

2. The said Ministry of Finance may issue out of the said Consolidated Fund, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-four, the sum of two hundred and seventy-nine thousand, one hundred and sixty-nine pounds.

Issue of £2,020,400 out of the Consolidated Fund for the service of the year ending 31st March, 1925.

3. The said Ministry of Finance may issue out of the said Consolidated Fund, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-five, the sum of two million, twenty thousand, four hundred pounds.

Power for the Ministry of Finance to borrow.

4.—(1) The said Ministry of Finance may borrow from any person, by the issue of Treasury Bills or otherwise, on the credit of the aforesaid sums, any sum or sums not exceeding in the whole one million pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, nineteen hundred and twenty-five.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with any interest due thereon, out of the growing produce of the said Consolidated Fund at any date not later than the quarter next succeeding to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer of Northern Ireland, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

Short title.

5. This Act may be cited as the Consolidated Fund Act (Northern Ireland), 1924.

Digitized by Google

CHAPTER 2.

An Act to amend the Loans Guarantee Act (Northern Ireland), 1922, by increasing the amount of loans which may be guaranteed under that Act as amended by subsequent enactments, and extending the period for the giving of guarantees thereunder. [12th April, 1924.] A.D. 1924.

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Amendment of 12 & 13 Geo. 5, c. 24, 13 & 14 Geo. 5, c. 15, and s. 9 of 13 & 14 Geo. 5, c. 26.

1.—(1) The maximum limit on the aggregate capital amount of the loans, the principal or interest of which may be guaranteed under sub-section (1) of section one of the Loans Guarantee Act (Northern Ireland), 1922, as amended by the Loans Guarantee (Amendment) Act (Northern Ireland), 1923, and section nine of the Finance Act (Northern Ireland), 1923, shall be increased from three million five hundred thousand pounds to five million pounds.

(2) The power to give guarantees under the said section one may be exercised at any time up to and including the thirty-first day of March, nineteen hundred and twenty-five.

Short title.

2. This Act may be cited as the Loans Guarantee Act (Northern Ireland), 1924, and the Loans Guarantee Act (Northern Ireland), 1922, the Loans Guarantee (Amendment) Act (Northern Ireland), 1923, section nine of the Finance Act (Northern Ireland), 1923, and this Act may be cited together as the Loans Guarantee Acts (Northern Ireland), 1922 to 1924.

Digitized by Google

CHAPTER 3.

A.D. 1924.

An Act to extend the powers of the Ministry of Labour to authorise the receipt of benefit in the first benefit year under section four of the Unemployment Insurance Act (Northern Ireland), 1922, as amended by the Unemployment Insurance Act (Northern Ireland), 1923, and to apply those powers to the authorisation of benefit in the next subsequent benefit year; and for purposes connected therewith. [12th April, 1924.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Power to authorise benefit in first and next subsequent benefit years, and to adapt special schemes. 12 & 13 Geo. 5, c. 7. 13 & 14 Geo. 5, c. 11.

1.—(1) If it appears to the Ministry of Labour for Northern Ireland (in this Act referred to as "the Ministry") that, having regard to all the circumstances of the case, it is expedient in the public interest that a person whom the Ministry has power, under section four of the Unemployment Insurance Act (Northern Ireland), 1922, as amended by section two of the Unemployment Insurance Act (Northern Ireland), 1923, (in this Act referred to as "the Act of 1923"), to authorise to receive benefit during the first benefit year (as defined in section three of the Act of 1923), should be allowed to receive benefit within that benefit year for any periods of greater or less duration than, or on any conditions other than, those applicable to the receipt of such benefit under the enactments relating thereto, then the Ministry may authorise that person to receive benefit for such periods of greater or less duration, or on such other conditions, as it may think fit.

(2) The Ministry shall have the same power to authorise the receipt of benefit during the benefit year next subsequent to the first benefit year (in this Act referred to as "the second benefit year") as it has, by virtue of this Act, to authorise the receipt of benefit during the first benefit year:

Digitized by Google

A.D. 1924.

Provided that the periods for which a person may be authorised by the Ministry to receive benefit under this sub-section during the second benefit year shall be periods not exceeding in the aggregate twenty-six weeks, and notwithstanding anything in this or any other Act no person shall be entitled, whether as being authorised by the Ministry or otherwise, to receive benefit in the second benefit year for periods exceeding in the aggregate twenty-six weeks.

(3) Section nine of the Act of 1923 (which confers upon the Ministry power to adapt special schemes to the provisions of the Act of 1923) shall have effect as if references in that section to the Act of 1923 included references to this Act.

(4) Sub-section (2) of section two of the Act of 1923 (which relates to the conditions for receipt of benefit in the first benefit year) is hereby repealed.

Short title.

2. This Act may be cited as the Unemployment Insurance Act (Northern Ireland), 1924, and shall be construed as one with the Unemployment Insurance Acts (Northern Ireland), 1920 to 1923, and those Acts and this Act may be cited together as the Unemployment Insurance Acts (Northern Ireland), 1920 to 1924.

CHAPTER 4.

An Act to amend the Dangerous Drugs Act, 1920, and section two of the Poisons (Ireland) Act, 1870, in their application to Northern Ireland. [27th May, 1924.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Digitized by Google

A.D. 1924.

Amendment of s. 10 of Dangerous Drugs Act, 1920. 10 & 11 Geo. 5. c 46.

1.—(1) The following sub-section shall be inserted in section ten of the Dangerous Drugs Act, 1920, after sub-section (1) thereof :—

"(1A) If a justice of the peace is satisfied by information on oath that there is reasonable ground for suspecting that any drugs to which this Act applies are, in contravention of the provisions of this Act or any regulations made thereunder, in the possession or under the control of any person in any premises, or that any document directly or indirectly relating to or connected with any transaction or dealing which was, or any intended transaction or dealing which would if carried out be, an offence against this Act is in the possession or under the control of any person in any premises, that justice may grant a search warrant authorising any constable named in the warrant, at any time or times within one month from the date of the warrant, to enter, if need be by force, the premises named in the warrant, and to search the premises and any persons found therein, and, if there is reasonable ground for suspecting that an offence against this Act has been committed in relation to any such drugs which may be found in the premises or in the possession of any such persons, or that any document which may be so found is such a document as aforesaid, to seize and detain those drugs or that document, as the case may be."

(2) The words "any books or documents" shall be substituted for the words "any books" in sub-section (1) of the said section ten, and the words, "any such books, stocks, drugs, or documents" shall be substituted for the words "any such books or stocks" in sub-section (2) of that section.

Amendment of s. 13 of Dangerous Drugs Act, 1920.

2.—(1) The following sub-sections shall be substituted for sub-sections (1) and (2) of section thirteen of the Dangerous Drugs Act, 1920 :—

"(1) Any person—

(*a*) who acts in contravention of, or fails to comply with, any regulation made under this Act ; or

Digitized by Google

(*b*) who acts in contravention of, or fails to comply with, the conditions of any licence issued or authority granted under or in pursuance of this Act; or

(*c*) who, for the purpose of obtaining, whether for himself or for any other person, the issue, grant or renewal of any such licence or authority as aforesaid, makes any declaration or statement which is false in any particular, or knowingly utters, produces or makes use of any such declaration or statement or any document containing the same;

shall be guilty of an offence against this Act."

"(2) Every person guilty of an offence against this Act shall, in respect of each offence, be liable—

(*a*) on conviction on indictment, to a fine not exceeding one thousand pounds, or to penal servitude for a period not exceeding ten years, or to both such fine and penal servitude; or

(*b*) on summary conviction, to a fine not exceeding two hundred and fifty pounds, or to imprisonment with or without hard labour for a term not exceeding twelve months, or to both such fine and imprisonment;

and shall, in every case on conviction for the offence, forfeit to His Majesty all articles in respect of which the offence was committed, and the court before which the offender was convicted may order any forfeited articles to be destroyed or otherwise disposed of as the court thinks fit.

One half of the amount of any fine imposed by a court of summary jurisdiction in pursuance of this section in proceedings taken by the direction of the Attorney General for Northern Ireland, shall, notwithstanding anything in any other enactment, be paid into the Exchequer of Northern Ireland in such manner as the Ministry of Finance for Northern Ireland may from time to time direct."

"(2A) No person shall be proceeded against by indictment for an offence under this Act unless the proceedings are instituted by, or with the consent of,

Digitized by Google

A.D. 1924.

the Attorney General for Northern Ireland, and no person shall, on conviction for any offence of contravening or failing to comply with any regulation under this Act relating to the keeping of books or the issuing or dispensing of prescriptions containing drugs to which this Act applies, be sentenced to imprisonment without the option of a fine or to pay a fine exceeding fifty pounds, if the court dealing with the case is satisfied that the offence was committed through inadvertence and was not preparatory to, or committed in the course of, or in connection with, the commission or intended commission of any other offence against this Act."

"(2B) If any person attempts to commit an offence against this Act, or solicits or incites another person to commit such an offence, he shall, without prejudice to any other liability, be liable on summary conviction to the same punishment and forfeiture as if he had committed an offence under this Act."

"(2C) Where a person convicted of an offence under this Act is a company, the chairman and every director and every officer concerned in the management of the company shall be guilty of the like offence unless he proves that the act constituting the offence took place without his knowledge or consent."

(2) The provisions of sub-section (3) of section thirteen of the Dangerous Drugs Act, 1920, which relates to the time within which proceedings for an offence against that Act may be brought, shall apply to proceedings for attempting or soliciting or inciting another person to commit such an offence as they apply to proceedings for such an offence.

(3) For the purpose of removing doubts, it is hereby declared—

(*a*) that in any proceedings against any person for an offence against the Dangerous Drugs Act, 1920, as amended by this Act, it is not necessary to negative by evidence any licence, authority or other matter of exception or defence, and that the burden of proving any such matter lies on the person seeking to avail himself thereof; and

Digitized by Google

(*b*) that, notwithstanding anything in section eighteen of the Criminal Justice Administration Act, 1914, or in any other enactment, any term of imprisonment imposed under section thirteen of the Dangerous Drugs Act, 1920, on any person by a court of summary jurisdiction in respect of the non-payment of a fine for an offence against that Act may be ordered to commence at the expiration of any term of imprisonment imposed on that person for the same offence in addition to the fine.

Saving for matters outside powers of Parliament.

3. Nothing in the foregoing provisions of this Act shall be construed as making provision with regard to—

(*a*) any offence against the provision of section one, two, four, six or nine of the Dangerous Drugs Act, 1920, as amended by the Dangerous Drugs and Poisons (Amendment) Act, 1923, passed by the Parliament of the United Kingdom; or

(*b*) the application of any fine imposed in respect of any such offence; or

(*c*) the powers of any justice of the peace or other authority in relation to any such offence or any suspected offence against any of those provisions; or

(*d*) any other matter or thing in respect of which the Parliament of Northern Ireland have not power to make laws.

Amendment of s. 2 of Poisons (Ireland) Act, 1870, as respects sales to medical practitioners, dentists and veterinary surgeons. 33 & 34 Vict. c. 26.

4.—(1) So much of section two of the Poisons (Ireland) Act, 1870 (which prescribes certain regulations to be observed in the sale of poisons), as requires an entry in the book to be kept under that section to be signed by the purchaser, shall not, if the conditions mentioned in this section are fulfilled, apply where the purchaser is a registered medical practitioner, and the purchase is made by him for the purposes of his profession.

(2) The conditions to be fulfilled for the purposes of this section are as follows:—

(*a*) There must have been received by the seller before the sale in order in writing signed by the purchaser stating his name and address and the name and quantity of the article to be purchased;

Digitized by Google

A.D. 1924.

(*b*) The seller must be reasonably satisfied that the signature affixed to the order is in fact the signature of the person purporting to sign it, and that that person is a registered medical practitioner;

(*c*) The article sold, if sent by post to the purchaser, must be sent by registered post;

(*d*) The seller must enter in the book, in the column assigned to the signature of purchasers, the words "signed order" followed by the date on which the order is executed, and must preserve the order for a period of two years from the date on which the final entry in the book is made:

Provided that, if a seller is reasonably satisfied that a registered medical practitioner desiring to purchase a poison urgently requires it for the purpose of his profession, but is, by reason of some emergency, unable, before delivery, either to furnish to the seller an order in writing duly signed, or to attend and sign the book, the seller may send the poison to the purchaser to be handed over to him either in exchange for such an order or on an undertaking by the purchaser to furnish such an order to the seller within the twenty-four hours next following.

If any purchaser by whom any such undertaking as aforesaid has been given fails to deliver to the seller a signed order in accordance with the undertaking, or if any person for the purpose of obtaining delivery of any poison under the foregoing proviso makes a statement which is to his knowledge false, he shall be deemed to have procured the commission of an offence under section two of the said Act.

(3) This section applies to registered dentists and registered veterinary surgeons as it applies to registered medical practitioners.

Amendment of s. 2 of Poisons (Ireland) Act, 1870, with respect to the labelling of poisons.

5. Section two of the Poisons (Ireland) Act, 1870, shall have effect as if for the words "labelled with the "name of the article and the word 'poison,' and with the "name and address of the seller of the poison," there were substituted the words "labelled with the name and "address of the seller of the poison, with the word 'poi-"son,' and with the name of the poison, and, in the case "of a preparation which contains a poison as one of the "ingredients thereof, with such particulars as to the

Digitized by Google

"proportion which the poison contained in the prepara-
"tion bears to the other ingredients as the Governor of
"Northern Ireland may by Order in Council prescribe."

Short title and construction.

6.—(1) This Act may be cited as the Dangerous Drugs and Poisons (Amendment) Act (Northern Ireland), 1924.

(2) References in this Act to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

CHAPTER 5.

An Act to amend the Explosives Act, 1875, in its application to Northern Ireland.

[27th May, 1924.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Precautions to be taken by occupiers.

1.—(1) Where the Minister of Home Affairs for Northern Ireland (in this Act referred to as "the Minister") is satisfied that owing to the existence of any special circumstances special precautions require to be taken under section twenty-three of the Explosives Act, 1875, as it applies in Northern Ireland (in this Act referred to as "the principal Act"), for the prevention of accidents by fire or explosion in any such factory, magazine, store, or registered premises as is referred to in that section, or for preventing unauthorised persons having access thereto, the Minister may by order prescribe the special precautions to be taken, and any contravention of or failure to comply with the terms of such order shall be deemed to be a breach of that section.

38 & 39 Vict. c. 17.

(2) Without prejudice to any penalty imposed by the principal Act, it shall be lawful for the Minister where he is satisfied that the provisions of any such order are not complied with, to cause steps to be taken to secure compliance therewith, and to recover from the occupier the expense of taking any such steps.

Digitized by Google

A.D. 1924.

Restriction on employment of young persons in gunpowder factories, magazines and stores.

2.—(1) Section ten of the principal Act (which contains general rules to be observed in every gunpowder factory and magazine) shall have effect with the substitution of the following general rule for rule (11) thereof—

"(11) A person under the age of eighteen years shall not be employed in or enter any danger building except in the presence and under the supervision of some person of the age of twenty-one years or upwards, and a person under the age of sixteen years shall not be employed in any such building, except in some process which has been declared by an order made by the Minister to be a process which is not in itself dangerous and except in the presence and under the supervision of some person of the age of twenty-one years or upwards."

(2) Section seventeen of the principal Act (which contains general rules to be observed in every gunpowder store) shall have effect with the substitution of the following general rule for rule (10) thereof—

"(10) A person under the age of eighteen years shall not be employed in or enter the store except in the presence and under the supervision of some person of the age of twenty-one years or upwards."

Amendment of ss. 5 and 22 of principal Act.

3. The maximum fine to which a person shall be liable for an offence under section five or for an offence under section twenty-two of the principal Act (which relate to the keeping of gunpowder) shall be either a fine of the maximum amount specified in the relevant section or a fine of one hundred pounds, whichever is the greater; and those sections and any other provisions of the principal Act relating thereto shall have effect accordingly.

Short title and citation.

4. This Act may be cited as the Explosives Act (Northern Ireland), 1924, and the principal Act and this Act may be cited together as the Explosives Acts (Northern Ireland), 1875 and 1924.

Digitized by Google

CHAPTER 6.

A.D. 1924.

An Act to amend Article 22 of the Schedule to the Local Government (Application of Enactments) Order, 1898, and section ten of the Local Government Act (Northern Ireland), 1923.

[27th May, 1924].

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Amendment of law as to limitation on borrowing powers of county councils.

1. Money borrowed by a county council for the purpose of any permanent work in connection with a public road shall not be reckoned as part of the total debt of the county council for the purposes of sub-section (2) of Article 22 of the Schedule to the Local Government (Application of Enactments) Order, 1898.

Amendment of s. 10 of 13 & 44 Geo. 5, c. 31, as to Parliamentary grants.

2.—(1) For the purposes of a certificate under section ten of the Local Government Act (Northern Ireland), 1923 (which relates to Parliamentary grants in aid of local expenditure), payments made out of the Local Taxation (Ireland) Account in respect of any of the three financial years mentioned in sub-section (1) of that section may be taken into account, notwithstanding that the payments were made to or on behalf of the council or board concerned after the expiration of such financial year; and accordingly the said sub-section shall have effect, and shall be deemed always to have had effect, as if the words " in or in respect of the three financial years "were substituted for the words " in the three financial years."

(2) Notwithstanding anything in sub-section (1) of the said section, the sum which may in respect of any financial year be paid to a county council or urban district council, in lieu of payments formerly made to that council out of the Local Taxation (Ireland) Account, for the reduction of any railway or harbour charge to which sub-section (4) of section fifty-eight of the principal Act, or sub-section (3) of section five of the Local Government (Ireland) Act, 1902, applied, shall be such sum as may be certified to be ninety per cent. of one-half of the sum by

2 Edw. 7. c. 38.

Digitized by Google

A.D. 1924.

which the amount required to be raised in the financial year, for the purpose of meeting the railway or harbour charge, exceeds, or would but for the payment of the sum certified under this sub-section exceed, a sum equal to six pence in the pound on the rateable value of the area to be rated for that purpose.

Short title and citation.

3. This Act may be cited as the Local Government (Financial Provisions) Act (Northern Ireland), 1924, and shall be construed as one with the Local Government Acts (Northern Ireland), 1898 to 1923, and those Acts and this Act may be cited together as the Local Government Acts (Northern Ireland), 1898 to 1924.

CHAPTER 7.

An Act to extend to Char-a-bancs certain provisions of the Towns Improvement (Ireland) Act, 1854, with respect to Hackney Carriages, and for other purposes connected with the regulation of Char-a-bancs. [29th May, 1924.]

BE it enacted by the King's most Excellent Majesty, and by the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Application of certain provisions of 17 & 18 Vict., c 103 to char-a-bancs.

1.—(1) The provisions of the Towns Improvement (Ireland) Act, 1854, (in this Act referred to as "the principal Act") with respect to hackney carriages shall, notwithstanding anything contained in section seventy-eight of the principal Act, apply to every char-a-banc as defined in this section; and references to hackney carriages, hackney coaches, or carriages and to drivers thereof, whenever they occur in any of the said provisions, shall be deemed to include references to every such char-a-banc and the driver and conductor thereof:

Provided that, in the case of any char-a-banc used solely for the carriage of passengers from places within the prescribed distance to and from places outside the prescribed distance, such of the aforesaid provisions of the principal Act as are specified in the Schedule to this Act shall not apply.

Digitized by Google

A.D. 1924.

(2) For the purposes of this Act, the expression "char-a-banc" includes every char-a-banc, omnibus, wagonette, brake, stage coach and other carriage used in plying or standing for hire or used to carry passengers at separate fares to, from or in any part of the prescribed distance, but does not include—

(*a*) Any tramcar or tram carriage to which the provisions of the Tramways (Ireland) Acts, 1860 to 1900, or any Order in Council thereunder, or of any local Act, apply; or

(*b*) Any omnibus belonging to, or hired for use by, any railway company for conveying passengers and their luggage to or from any railway station of that company, but not used in plying or standing for hire within the prescribed distance; or

(*c*) (Except as in this Act expressly provided) any char-a-banc starting from outside the prescribed distance and bringing passengers within the prescribed distance, but not used in plying or standing for hire within the prescribed distance.

Licensing days, appeals and offences

2.—(1) The local authority shall fix one day in each of the months of April, May and June in each year as the day for the granting of licences for char-a-bancs under section seventy-nine of the principal Act, and may at their discretion fix additional days for that purpose; and no such licence shall be granted except on one of the days so fixed.

(2) Where, upon application for a licence in respect of a char-a-banc, the local authority either refuses to grant a licence or grants a licence subject to conditions, in every case the applicant shall have a right of appeal to the Ministry of Home Affairs for Northern Ireland from the decision of the local authority, and that Ministry shall have power to make such order thereon as it thinks fit, and the order shall be binding upon the local authority and the applicant. An order made by the said Ministry under this sub-section shall be final and not subject to appeal to any court, and may, on the application either of the said Ministry or of the applicant for the licence, be enforceable (without prejudice to any other remedy) by writ of mandamus.

Digitized by Google

A.D. 1924

(3) Where an offence against this Act, or against any byelaw made under this Act or the principal Act, is alleged to have been committed in relation to a char-a-banc, proceedings in respect of such offence may, if the hiring takes place in the district of the local authority, be brought before and determined by a court of summary jurisdiction having jurisdiction in the district of the local authority, whether such offence is alleged to have been committed within the district or not, and whether the person sought to be made amenable resides within such jurisdiction or not.

Byelaws.

3.—(1) Without prejudice to their powers under the principal Act, the local authority may from time to time make byelaws for all or any of the following purposes, that is to say—

(*a*) for the inspection of every char-a-banc at all reasonable times by the inspector of hackney carriages or other officer appointed for the purpose by the local authority ;

(*b*) for ensuring the fitness of char-a-bancs for public hire, and for the cessation of user of a char-a-banc which at any time fails in any way to comply with the requirements of byelaws respecting such fitness ;

(*c*) for fixing the stands for char-a-bancs, the number of char-a-bancs which may stand at any point, and the points at which they may stop a longer time than is necessary for the taking up or setting down of passengers desirous of entering or leaving the same ;

(*d*) for preventing, within the prescribed distance, the over-crowding of any char-a-banc ;

(*e*) for preventing, within the prescribed distance, the owner, driver or conductor of any char-a-banc or any other person on their or his behalf, by touting, calling out or otherwise, from importuning any person to use or to be carried for hire in any such char-a-banc, to the annoyance of such person or of any other person ; and

(*f*) for regulating generally the conduct of persons employed in or about any char-a-banc .

(2) Byelaws for the purposes mentioned in paragraphs (*c*), (*d*), (*e*) and (*f*) of sub-section (1) of this section

Digitized by Google

A.D. 1924.

may be made by a local authority so as to apply to char-a-bancs starting from outside the prescribed distance and bringing passengers within the prescribed distance, but not used in plying or standing for hire within the prescribed distance.

(3) Nothing contained in this section or in the principal Act shall be construed so as to empower the local authority to fix the site of the stand of any char-a-banc in any railway station or in any yard adjoining thereto, or connected therewith, except with the consent of the railway company owning such site.

Application of s. 11 of 14 & 15 Vic. c. 92 as to over-crowding of carriages. 10 & 11 Geo. 5. c. 72.

4. Every char-a-banc, and every omnibus as defined in sub-section (3) of section fourteen of the Roads Act, 1920, shall, when used on any public road or street (whether within the district of a local authority or not), be deemed to be a public stage carriage for the purposes of section eleven of the Summary Jurisdiction (Ireland) Act, 1851; and, accordingly, references in the last-mentioned section to the number of passengers for whom seats shall be provided in or on any public stage carriage, or which any such carriage shall be intended to carry, shall be construed as references to the number of persons to be carried by a char-a-banc or omnibus as regulated by the byelaws of any local authority under section eighty-eight of the principal Act as extended by this Act, or by any other enactment or byelaw.

Saving for local Acts.

5. The provisions of this Act shall be in addition to and not in derogation of the provisions of any local Act with respect to the regulation of char-a-bancs which is in force in the district of any local authority, except that the prescribed distance as defined by this Act shall, for the purposes of the last-mentioned provisions, be substituted in the local Act for any other distance measurable from a point in such district.

Construction and short title.

6.—(1) In this Act—

The expression "local authority" means the council of any urban district or the commissioners of any town, but does not include the council of a county borough:

The expression "district" includes "town":

The expression "prescribed distance" has the same meaning as the expression "such prescribed distance" has in the principal Act.

Digitized by Google

A.D. 1924.

(2) This Act shall (save as otherwise expressly provided therein) apply to every district to which the principal Act applies.

(3) This Act, so far as it amends the principal Act, shall be construed as one with the principal Act, and the expression "this Act" in the principal Act shall be construed to mean the principal Act as amended by this Act.

(4) References in this Act to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

(5) This Act may be cited as the Char-a-banc Regulation Act (Northern Ireland), 1924.

SCHEDULE.

Section 1 (1). Enactments of the Towns Improvement (Ireland) Act, 1854, which do not apply to char-a-bancs within the proviso to section one (1) of this Act.

In section eighty-three	The provisions which impose penalties upon a driver for refusing to carry persons in a hackney carriage or to drive the carriage to any place.
Section eighty-four	
In section eighty-seven	The provisions which impose penalties for refusing to pay the fare.
In section eighty-eight	The provisions which empower the local authority to make byelaws for fixing rates or fares and for securing the due publication of fares.

Digitized by Google

CHAPTER 8.

A.D. 1924.

An Act for simplifying the preparation and authentication of Commissions of the Peace, for prescribing the fees to be paid by Justices of the Peace in respect of their appointments, and for other purposes connected therewith.

[29th May, 1924.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Form of commissions of the peace.

1.—(1) All commissions of the peace shall be printed on parchment with blanks to be filled up in writing or in print, and shall be in the forms contained in the First Schedule to this Act.

(2) A new commission in one of the forms contained in the First Schedule to this Act shall, as soon as may be after the passing of this Act, be issued to the keeper of the rolls of every county and to the chief officer of every corporation having a commission of the peace.

Every such new commission shall, as from the date on which it is issued, supersede all commissions of the peace issued before that date for the county or borough to which the new commission relates.

(3) The names of the justices in each commission shall be placed in a schedule annexed thereto, and the Clerk of the Crown for Northern Ireland shall from time to time, as occasion requires, add in such schedule the names of justices appointed after the issue of such commission, and delete from such schedule the names of justices who have died and persons who have ceased to hold the office of justice.

(4) A record shall be kept at the office of the Clerk of the Crown for Northern Ireland of all justices of the peace appointed under any commission of the peace hereafter issued in the name of His Majesty.

(5) The Clerk of the Crown for Northern Ireland shall issue to every justice of the peace hereafter appointed a certificate signed by him in the form contained

Digitized by Google

A.D. 1924.

in the Second Schedule to this Act, upon payment by such justice of the fee prescribed under this Act.

Fee in respect of appointment of justice of the peace.

2.—(1) The Governor of Northern Ireland may make orders prescribing the amount of the fee payable by a justice of the peace in respect of his appointment, and the officers by whom and the manner in which such fee is to be taken; and the fees prescribed by any such order shall be paid into the Exchequer of Northern Ireland.

(2) Every such order shall be published in the Belfast Gazette, and the production of a copy of such gazette purporting to be printed under the authority of the officer appointed to print the Acts of the Parliament of Northern Ireland, and containing the publication of any such order, shall be conclusive evidence of the making of such order.

Short title.

3. This Act may be cited as the Commissions of the Peace Act (Northern Ireland), 1924.

FIRST SCHEDULE.

1. *Form of County Commission of the Peace.*

George the Fifth by the Grace of God of the United Kingdom of Great Britain and Ireland King Defender of the Faith to the members of Our Privy Council of Northern Ireland now and for the time being Our Lieutenant and the Keeper of Our Rolls of the peace of Our county of now and for the time being the Lord Chief Justice of Northern Ireland now and for the time being Our Attorney General for Northern Ireland now and for the time being the Lords Justices of Our Court of Appeal in Northern Ireland and the Justices of Our High Court of Justice in Northern Ireland now and for the time being Our Counsel in Northern Ireland learned in the law now and for the time being and the persons named in the schedule hereunto annexed Greeting

Know ye that We have appointed you jointly and severally and every one of you Our justices to keep Our peace in the county of and to keep and cause to be kept all the ordinances and statutes for the good of Our peace and for the conservation of the same and for the quiet rule and government of Our people made in all and singular their articles in Our said county (as well within the liberties as without) according to the force form and effect of the same and to chastise and punish all persons that offend against the form of its ordinances and statutes or any one of them in the aforesaid county as it ought to be done according to the form of those ordinances and statutes and to cause to come before you or any of you of those who to any one or more of Our people concerning their bodies or the firing of their houses have used threats to find sufficient security for the peace

Digitized by Google

A.D. 1924.

or their good behaviour towards Us and Our people and if they shall refuse to find such security then them in Our prisons until they shall find such security to cause to be safely kept We have also assigned you and every two or more of you Our justices to inquire the truth more fully by the oath of good and lawful men of the aforesaid county by whom the truth of the matter shall be the better known of all and all manner of crimes trespasses and all and singular other offences of which the justices of Our peace may or ought lawfully to inquire by whomsoever and after what manner soever in the said county done or perpetrated or it shall happen to be there done or attempted and to inspect all indictments whatsoever so before you or any of you taken or to be taken or before others late of Our justices of the peace in the aforesaid county made or taken and not yet determined and to make and continue processes thereupon against all and singular the persons so indicted or who before you hereafter shall happen to be indicted and to hear and determine all and singular the crimes trespasses and offences aforesaid and all and singular other the premises according to the laws and statutes of Northern Ireland as in the like case it has been accustomed or ought to be done and the same offenders and every of them for their offences by fines ransoms amerciaments forfeitures and other means as according to the law and custom of Northern Ireland or form of the ordinances or statutes aforesaid it has been accustomed or ought to be done to chastise or punish and to discharge Our gaols of all prisoners therein detained and imprisoned for felony

Provided always that if a case of difficulty upon the determination of any of the premises before you or any two or more of you shall happen to arise then let judgment in nowise be given thereon before you or any two or more of you unless in the presence of one of Our justices appointed to hold the assizes in the aforesaid county And therefore We command you and every of you that to keeping the peace ordinances and statutes and all and singular other the premises you diligently apply yourselves and that at certain days and places which you or any such two or more of you (as aforesaid) shall appoint for these purposes into the premises you make inquiries and all and singular the premises hear and determine and perform and fulfil them in the aforesaid form doing therein what to justice appertains according to the law and custom of Northern Ireland and We command by the tenour of these presents Our sheriff of Our county aforesaid that at certain days and places which you or any such two or more of you (as is aforesaid) shall make known to him he cause to come before you or such two or more of you (as is aforesaid) so many and such good and lawful men of his bailiwick (as well within liberties as without) by whom the truth of the matter in the premises shall be the better known and determined We also command the keeper of Our rolls of the peace in Our county aforesaid to bring before you at the days and places aforesaid the writs precepts processes and indictments aforesaid that they may be inspected and by a due course determined as is aforesaid

In witness whereof we have caused these Our letters to be made patent

Witness Our Governor (*or* Lords Justices *as the case requires*) of Northern Ireland at Belfast the day of in the year of Our reign.

Digitized by Google

A.D. 1924.

SCHEDULE.

NAMES OF JUSTICES IN THIS COMMISSION.

2. *Form of Borough Commission of the Peace.*

George the Fifth by the Grace of God of the United Kingdom of Great Britain and Ireland King Defender of the Faith To the Mayor (*or* Lord Mayor *as the case requires*) of the borough of now and for the time being and the persons named in the schedule hereunto annexed Greeting Know ye that We have assigned you and every of you jointly and severally Our justices to keep Our peace in and throughout the said borough and to keep and cause to be kept all ordinances and statutes made for the good of Our peace and for the conservation of the same and for the quiet rule and government of Our people in all and every the articles thereof in the said borough according to the form and effect of the same and to chastise and punish all persons that offend against the form of those ordinances or statutes or any one of them in the aforesaid borough as it ought to be done according to the form of those ordinances and statutes and to cause to come before you or any one of you all those who to any one or more of Our people concerning their bodies or the firing of their houses have used threats to find sufficient security for the peace or their good behaviour towards Us and Our people and if they shall refuse to find such security then them in Our prisons until they shall find such security to cause to be safely kept And therefore We command you that to keeping the peace ordinances statutes and all and singular other the premises you diligently apply yourselves and perform and fulfil the same in the aforesaid form doing therein what to justice appertains according to the law and custom of Northern Ireland

In witness whereof We have caused these Our letters to be made patent

Witness Our Governor (*or* Lords Justices *as the case requires*) of Northern Ireland at Belfast the day of in the year of Our reign.

SCHEDULE.

NAMES OF JUSTICES IN THIS COMMISSION.

Digitized by Google

A.D. 1924.

SECOND SCHEDULE.

Form of Certificate of Appointment.

I certify that of has been appointed to be a Justice of the Peace for the of , and that his name has accordingly been added to His Majesty's Commission.

Dated this day of .

(Signed)

Clerk of the Crown for Northern Ireland.

CHAPTER 9.

An Act to give full effect to certain enactments in their application to Private Bill Procedure in the Parliament of Northern Ireland, and to make further provision with respect thereto.

[29th May, 1924.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Adaptation of enactments respecting private Bill procedure.

1.—(1) The enactments set out in the Schedule to this Act (being enactments relating to or affecting proceedings in connection with private Bills) are hereby applied to proceedings taken or arising in connection with private Bills in the Parliament of Northern Ireland, if and in so far as the said enactments did not, immediately before the passing of this Act, apply to such proceedings by virtue of the Government of Ireland Act, 1920.

10 & 11 Geo. 5, c. 67.

(2) The said enactments shall, in their application to such proceedings (whether under this Act or by virtue of the Government of Ireland Act, 1920) have effect with the following modifications and adaptations:—

(*a*) References to Parliament and to each, either, or both of the Houses of Parliament shall be construed respectively as references to the Parliament of Northern Ireland, and to each, either or both of the Houses of that Parliament:

Provided that—

(i) references to committees of either House shall be construed as including refe-

Digitized by Google

A.D. 1924.

rences to joint committees of both Houses, and references to standing orders of either House shall be construed as including references to standing orders made jointly by the Senate and House of Commons, and

51 & 52 Vict. c. 53.

(ii) the expression "Act of Parliament," where it occurs in sections two and three of the Borough Funds (Ireland) Act, 1888, shall be construed as including any Act of the Parliament of the United Kingdom.

7 Wm. 4 21 Vict. c. 83.

(*b*) So much of the Parliamentary Documents Deposit Act, 1837, as relates to postmasters shall not apply.

9 & 10 Vict. c. 20.

(*c*) References in the Parliamentary Deposits Act, 1846, to the House of Lords and to officers of that House shall not apply; the reference in section five of the said Act to a certificate of the chairman of committees of that House shall be construed as a reference to a certificate of the Speaker of the Senate; and the reference in section two of the said Act to any clerk of the private Bill office of the House of Commons shall be construed as a reference to the clerk of the Parliaments of Northern Ireland or any clerk-assistant of either House of Parliament;

10 & 11 Vict. c. 69.

(*d*) The House of Commons Costs Taxation Act, 1847, as amended or extended by any of the said enactments, shall be construed as applying with respect to taxation in both Houses of the Parliament of Northern Ireland; sections two to nine (inclusive) of the House of Lords Costs Taxation Act, 1849, shall not apply; and the provisions of the remaining sections of the last-mentioned Act with respect to taxation under the authority of the said Act, and with respect to proceedings arising solely by reason of the existence of a separate taxing officer for each House of Parliament, shall not apply;

12 & 13 Vict. c. 78.

(*e*) References in any of the said enactments to the taxing officer of the House of Commons or the taxing officer of the House of Lords

Digitized by Google

shall be construed as references to such person as shall from time to time be appointed by the Speakers of the Senate and the House of Commons of Northern Ireland as Taxing Officer of the Parliament of Northern Ireland, and that Taxing Officer shall, for the purpose of the taxation of costs, charges and expenses incurred in respect of a private Bill in the said Senate or House of Commons, exercise the powers and perform the duties which are by any of the said enactments conferred and imposed upon both the first-mentioned taxing officers or upon either of them.

(*f*) References in any of the said enactments to the list of costs, charges and expenses to be allowed upon such taxation as aforesaid shall be construed as references to any list of such costs, charges and expenses which may from time to time be prepared and published by the Speakers of both Houses of the Parliament of Northern Ireland;

(*g*) Any report of taxation required for the purposes of section nine of the House of Commons Costs Taxation Act, 1847, to be made by the said Taxing Officer shall be made to the Speakers of both Houses of the Parliament of Northern Ireland, and the certificate referred to in the said section shall be given by such Speakers jointly;

(*h*) References in the said enactments to any department or authority of the United Kingdom Government, if they occur in relation to functions which under or in pursuance of the Government of Ireland Act, 1920, have been transferred as respects Northern Ireland to any department or authority of the Government of Northern Ireland, shall be construed as references to the department or authority to which they have been transferred; and references to the Chief Secretary and a Secretary of State, if they occur in relation to such functions, shall be construed as references to the appropriate Minister of Northern Ireland.

Digitized by Google

A.D. 1924.

(3) For the purposes of this Act the expression "private Bill" includes any Bill for a local or personal Act.

Saving for proceedings taken before commencement of Act

2. Nothing in this Act shall be construed as affecting any proceedings taken, fees charged, costs taxed or matter or thing done before the passing of this Act in connection with any private Bill in either House of the Parliament of Northern Ireland or by any member, committee or officer of either of those Houses; and all such proceedings, fees, costs, matters and things shall be deemed to have been taken, charged, taxed and done under and in compliance with the provisions of this Act.

Short title.

3. This Act may be cited as the Private Bill Procedure Act (Northern Ireland), 1924.

SCHEDULE.

Section 1 (1).

Session and Chapter.	Short Title.
7 Wm. 4 and 1 Vic. c. 83.	The Parliamentary Documents Deposit Act, 1837.
9 & 10 Vict. c. 20.	The Parliamentary Deposits Act, 1846.
10 & 11 Vict. c 69.	The House of Commons Costs Taxation Act, 1847.
12 & 13 Vict. c. 78.	The House of Lords Costs Taxation Act, 1849.
28 & 29 Vict. c. 27.	The Parliamentary Costs Act, 1865.
30 & 31 Vict. c. 136.	The Parliamentary Costs Act, 1867.
34 & 35 Vict. c. 3.	The Parliamentary Costs Act, 1871.
42 & 43 Vict. c 17.	The House of Commons Costs Taxation Act, 1879.
51 & 52 Vict. c 34.	The Municipal Local Bills (Ireland) Act, 1888.
51 & 52 Vict. c. 53.	The Borough Funds (Ireland) Act, 1888.

Digitized by Google

CHAPTER 10.

An Act to amend the Public Libraries (Ireland) Acts, 1855 to 1920, in their application to Northern Ireland, and for other purposes incidental thereto. [29th May, 1924.]

A.D. 1924.

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Power of county councils to adopt the Public Libraries Acts.

1.—(1) The council of a county shall have power, by resolution specifying the area to which the resolution extends, to adopt the Public Libraries (Ireland) Acts, 1855 to 1920 (in this Act referred to as "the Public Libraries Acts") for all or any of the rural districts situate in their county, and thereupon the provisions of the Public Libraries Acts, other than sections one and two of the Public Libraries (Ireland) Act, 1894, shall, subject to the provisions of this Act, apply with the necessary modifications as if the county council were the library authority for the purpose of the exercise and performance of powers and duties under the Public Libraries Acts for the area specified in the resolution, to the exclusion of the council of any rural district therein.

57 & 58 Vict c. 38.

(2) The powers of any rural district council to adopt or carry into execution the Public Libraries Acts shall cease ; and, where any rural district council was, immediately before the passing of this Act, carrying the Public Libraries Acts into execution, the council of the county in which the rural district is situate shall be deemed to have adopted the Public Libraries Acts for that district and shall carry those Acts into execution accordingly.

(3) For the purpose of carrying the Public Libraries Acts into execution a county council shall appoint a county library committee constituted in accordance with the provisions contained in the Schedule to this Act ; but the acts of the county library committee shall be submitted to the county council for their approval.

61 & 62 Vict c. 37.

(4) Where the Public Libraries Acts have been adopted by a county council, the council may borrow for the purposes of those Acts as for the purposes of the Local Government (Ireland) Act, 1898 :

Digitized by Google

A.D. 1924.

Provided that money borrowed for the purposes of the Public Libraries Acts shall not be reckoned as part of the total debt of the county council for the purposes of sub-section (2) of Article 22 of the Schedule to the Local Government (Application of Enactments) Order, 1898.

2 Edw. 7 c. 20.

(5) Sections two, three, four and six of the Public Libraries (Ireland) Act, 1902, are hereby repealed as respects Northern Ireland.

Arrangements between certain existing library authorities and county councils.

2.—(1) The council or commissioners of any urban district or town who have adopted the Public Libraries Acts may, on such terms as may be agreed upon between the council or commissioners and the council of the county in which the urban district or town is situate, and approved by the Ministry of Home Affairs for Northern Ireland (in this Act referred to as "the Ministry"), relinquish in favour of the county council all or any of their powers and duties under the Public Libraries Acts; and in that case the powers and duties so relinquished shall cease, and the Public Libraries Acts shall, as respects the urban district or town concerned, be carried into execution by the county council, and the provisions of this Act shall apply accordingly.

(2) The council of a county, and the council or commissioners of an urban district or town in the county who have relinquished any powers and duties under the Public Libraries Acts in pursuance of sub-section (1) of this section, may, if they think it advisable so to do at any time, with a view to the better carrying into effect of those Acts in any such urban district or town, jointly apply to the Ministry for an order rescinding the agreement made as respects that district or town, and the Ministry may, on any such joint application, if it thinks fit, make an order accordingly; and thereupon the Public Libraries Acts shall, as respects that urban district or town, be carried into execution by the council or commissioners thereof as from the date specified in that behalf in the order.

Expenses of county councils and limit on rate.

3.—(1) The expenses of a county council under the Public Libraries Acts shall be defrayed out of the county fund, and the amount required shall be raised by means of the poor rate equally over so much of the county as com-

Digitized by Google

prises the county districts and towns as respects which the county council is for the time being carrying the Public Libraries Acts into execution.

(2) The amount to be raised as aforesaid for defraying any such expenses shall not exceed in any one local financial year a sum equal to a rate of one penny in the pound on the rateable value, at the beginning of that year, of the county districts and towns as respects which the county council is for the time being carrying the Public Libraries Acts into execution:

Provided that in an urban district or town, as respects which the Public Libraries Acts are being carried into execution by a county council, the said limit may, with the consent of the Ministry, be exceeded to an extent not exceeding two pence in the pound.

Transfer of property, rights and liabilities.

4.—(1) Where under the provisions of this Act—

(*a*) a rural district council cease to exercise powers and perform duties under the Public Libraries Acts; or

(*b*) an urban district council or the commissioners of a town relinquish all or any of their powers and duties under the Public Libraries Acts in favour of a county council; or

(*c*) an order is made by the Ministry rescinding an agreement for the carrying into execution of the Public Libraries Acts by the county council as respects any urban district or town;

then, by virtue of this Act, any property or rights acquired for the purpose of the performance of any powers and duties under the Public Libraries Acts shall be transferred to and become vested in the council or commissioners by whom those Acts are to be carried into execution; and any liabilities incurred for that purpose shall become liabilities of such council or commissioners.

(2) The Ministry may by order make such consequential and supplemental provisions as the Ministry thinks fit with respect to the transfer to or from any council or commissioners, under or in pursuance of the provisions of this Act, of any property or rights acquired or liabilities incurred under the Public Libraries Acts.

Digitized by Google

A.D. 1924.

Co-operation with voluntary agencies

5. In the exercise of their powers under the Public Libraries Acts any council or commissioners may encourage and assist the establishment or continuance of voluntary agencies, and may associate with themselves representatives of voluntary associations for that purpose.

Short title, construction and saving.

6.—(1) This Act may be cited as the Public Libraries Act (Northern Ireland), 1924, and shall be construed as one with the Public Libraries Acts, and those Acts and this Act may be cited together as the Public Libraries Acts (Northern Ireland), 1855 to 1924.

(2) References in this Act to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

(3) Nothing in this Act, except the provisions with respect to co-operation with voluntary agencies, shall apply to a county borough or the council thereof.

SCHEDULE.

Section 1 (3)

Constitution of county library committee.

The county library committee shall consist of the following persons :—

(a) The chairman and vice-chairman of the county council ;

(b) Three members of the council (of whom the chairman shall be one) of each rural district, as respects which the county council are carrying the Public Libraries Acts into execution ;

(c) One member of the council of each urban district and one commissioner of each town the council or commissioners of which have relinquished their powers and duties under the Public Libraries Acts in favour of the county council ;

(d) An additional number of members of the county council equal to the number of rural and urban districts and towns as respects which the county council are carrying the Public Libraries Acts into execution.

The county library committee may choose in addition to the aforesaid members further members (not being members of any local authority in the county), not exceeding in number one for each rural and urban district and town as respects which the county council is carrying the Public Libraries Acts into execution.

Digitized by Google

CHAPTER 11.

An Act to make provision for the temporary exercise of the powers of Ministers of Northern Ireland. [29th May, 1924.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Temporary exercise of powers of Minister.

1. The Governor of Northern Ireland may, if at any time a Minister of Northern Ireland is unable to act, designate any Parliamentary Secretary of the Ministry or Department of which such Minister is the head, or any other Minister of Northern Ireland, to act for such first-mentioned Minister during such period, and subject to such conditions, as the said Governor may think fit; and, during the said period, and subject as aforesaid, references in any enactment to such first-mentioned Minister shall be construed as references to the Parliamentary Secretary or Minister so designated to act.

Short title.

2. This Act may be cited as the Ministers (Temporary Exercise of Powers) Act (Northern Ireland), 1924.

CHAPTER 12.

An Act to apply a Sum out of the Consolidated Fund of Northern Ireland to the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-five, and to appropriate the Supplies granted in this Session of Parliament. [29th May, 1924.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, for the purpose of making good the supply and applying the sums which the House of Commons have, in pursuance of recommendations from the Governor of Northern Ireland, granted to His Majesty in this Session of Parliament, as follows :—

Digitized by Google

A.D. 1924.

GRANT OUT OF CONSOLIDATED FUND.

Issue of £5,314,202 out of the Consolidated Fund.

1. The Ministry of Finance for Northern Ireland (in this Act referred to as "the Ministry of Finance") may issue out of the Consolidated Fund of Northern Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-five, the sum of five million, three hundred and fourteen thousand, two hundred and two pounds.

Power for the Ministry of Finance to borrow.

2.—(1) The Ministry of Finance may borrow from any person, by the issue of Treasury Bills or otherwise, on the credit of the said sum, any sum or sums not exceeding in the whole three million pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, nineteen hundred and twenty-five.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with any interest due thereon, out of the growing produce of the said Consolidated Fund at any date not later than the quarter next succeeding to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer of Northern Ireland, and shall form part of the said Consolidated Fund and be available in any manner in which such Fund is available.

APPROPRIATION OF GRANTS.

Appropriation of grants.

3. The sums granted by this Act and the other Act mentioned in Schedule (A) of this Act out of the said Consolidated Fund towards making good the supply granted to His Majesty, amounting, as appears by the said Schedule, in the aggregate, to the sum of seven million six hundred and thirteen thousand, seven hundred and eighty-one pounds, are appropriated, and shall be deemed to have been appropriated as from the date of the passing of the Acts mentioned in the said Schedule (A), for the several services and purposes expressed in Schedule (B) of this Act.

Digitized by Google

A.D. 1924

In addition to the sums hereby granted out of the said Consolidated Fund, there may be applied as appropriations in aid of the grants for the several services and purposes specified in Schedule (B) of this Act the sums respectively set forth in the last column of the said Schedule (B), and any of the sums set forth in that column may be so applied, notwithstanding that some part thereof may be derived from sums granted by Act of Parliament for other services specified in the said Schedule (B).

Declaration required in certain case before receipt of sums appropriated.

4. A person shall not receive any part of a grant which may be made in pursuance of this Act for civil or police non-effective services, or any pension, superannuation allowance or gratuity from any fund towards which a grant may be made in pursuance of this Act until he has subscribed such declaration as may from time to time be prescribed by a warrant of the Ministry of Finance before one of the persons prescribed by such warrant:

Provided that, whenever any such payment is made at more frequent intervals than once in a quarter, the Ministry of Finance may dispense with the production of more than one declaration in respect of each quarter.

Any person who makes a declaration for the purpose of this section knowing the same to be untrue in any material particular shall be guilty of a misdemeanour.

Short title.

5. This Act may be cited as the Appropriation Act (Northern Ireland), 1924.

SCHEDULE (A).

GRANTS OUT OF THE CONSOLIDATED FUND.

Section 3.

	£
For the service of the period ended on the 31st day of March, 1923 :—	
Under Act 14 Geo. 5, c. 1	10
For the service of the year ended on the 31st day of March, 1924 :—	
Under Act 14 Geo. 5, c. 1	279,169
For the service of the year ending on the 31st day of March, 1925 :—	
Under Act 14 Geo. 5, c. 1	2,020,400
Under this Act	5,314,202
TOTAL	£7,613,781

Digitized by Google

Section 3.

SCHEDULE (B).

PART I.

	Sums Granted.	Appropriations in Aid.
	£	£ s. d.
Sum granted to make good an excess on the Grant for County Court Officers, etc., for the year ended on the 31st day of March, 1923	10	215 17 2

PART II.

SCHEDULE of sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charge of the several Services herein particularly mentioned for the period ended on the 31st day of March, 1924, viz. :—

No.		Sums Granted.	Appropriations in Aid.
	CLASS I.	£	£
1.	For the salaries and expenses of the Senate and of the House of Commons	10	—
3.	For the salaries and expenses of the Ministry of Finance, including Revenue services, Valuation, Registration, Loan services, Public Works, Charity Funds, Stationery Office, Teachers' Pensions, Civil Service Commission, Ulster Savings, Loans Guarantee Act (N.I.), 1922, and collection of Land Purchase Annuities and Tithe Rent Charges	10	8,950
5.	For expenditure in respect of Public Works and Buildings	11,545	43,485
9.	For the salaries and expenses of various County Court Officers and certain miscellaneous legal expenses, including certain grants in aid	150	—
13.	To refund certain expenditure incurred by the Imperial Government in connection with the payment of compensation to Refugees	18,036	—

Digitized by Google

A.D. 1924.

		Sums Granted.	Appropriations in Aid.
	CLASS II.	£	£
2.	For the expenses of criminal prosecutions and other law charges, including grant in relief of certain expenses payable by Statute out of local rates	1,300	—
5.	For grants to local authorities in respect of health, housing, etc., and in relief of local rates ..	123,078	—
6.	For the salaries and expenses of the Special Constabulary	10	14,000
8.	For the recoupment to local authorities in respect of payments made by them on foot of Criminal Injury Decrees	10	—
No.	CLASS III.	£	£
4.	For grants to local authorities, &c., for assistance in carrying out approved schemes to relieve Unemployment	125,000	—
	CLASS IV.		
2.	For the expenses of educational services, including grants in aid of the Teachers' Pension Fund, Northern Ireland	10	11,390
	CLASS V.		
2.	For the expenses of the Ministry of Agriculture in respect of agricultural institutions, improvements of live stock, agricultural research development, including sundry grants in aid	10	18,690

Digitized by Google

A.D. 1924.

PART III.

SCHEDULE of sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March, 1925, viz. :—

No.	CLASS I.	Sums Granted.	Appropriations in Aid.
		£	£
1.	For the salaries and expenses of the Senate and of the House of Commons	25,584	1,000
2.	For the salaries of the department of the Prime Minister, the salaries of the Cabinet and of the Cabinet Secretariat	12,669	—
3.	For the salaries and expenses of the Ministry of Finance, including Revenue services, Valuation, Registration, Loan services, Public Works, Charity Funds, Stationery Office, Teachers' Pensions, Civil Service Commission, Ulster Savings, Loans Guarantee Act (Northern Ireland), 1922, and collection of Land Purchase Annuities and Tithe Rent Charges ..	136,595	20,014
4.	For the expenses of the Department of the Comptroller and Auditor-General	3,841	76
5.	For expenditure in respect of public works and buildings	140,827	209,124
6.	For stationery, printing, paper, binding, books and office supplies for the public service and for the Houses of Parliament and for production of the Belfast Gazette ..	6,400	37,475
7.	For Old Age Pensions, for administrative expenses in connection therewith, and for Pensions under the Blind Persons Act	1,093,752	50
8.	For Superannuation and additional allowances and gratuities under sundry statutes and supplementary pensions and allowances granted by the Ministry of Finance and in respect of Workmen's Compensation Insurance	3,179	—

Digitized by Google

A.D. 1924.

CLASS I.—Continued.	Sums Granted.	Appropriations in Aid.
No.	£	£
9. For the salaries, allowances and expenses of various County Court Officers and certain miscellaneous legal expenses, including certain grants in aid	7,000	—
10. For the expenses in respect of secret services	10,000	—
11. For the salaries and expenses of the Public Record Office	1,380	—
12. For a grant in aid of the Government Hospitality Fund	2,000	—
CLASS II.		
1. For the salaries and expenses of the Ministry of Home Affairs ..	61,924	9,125
2. For the expenses of criminal prosecutions and other law charges, including the expenses of civil litigation and grant in relief of certain expenses payable by Statute out of local rates	18,423	50
3. For the expenses of prisons and the maintenance of Criminal Lunatics	107,057	3,214
4. For the expenses of reformatory and industrial schools and places of detention	12,000	455
5. For grants to local authorities in respect of health, housing, etc., and in relief of local rates, including a grant in aid	371,525	—
6. For the salaries and expenses of the Special Constabulary	1,124,064	18,000
7. For the salaries and expenses of the Royal Ulster Constabulary, including police women and temporary Inspectors of Weights and Measures	813,041	25,020
8. For the recoupment of local authorities in respect of payments made by them on foot of Criminal Injury Decrees	500,000	—

Digitized by Google

No.		Sums Granted.	Appropriations in Aid.
	CLASS III.		
1.	For the salaries and certain expenses of the Ministry of Labour ..	£ 104,305	£ 135,555
2.	For the contributions and grants in aid of the cost of benefits and expenses of administration under the National Health Insurance Acts	145,100	—
3.	For the contributions to the Unemployment Fund and to special schemes under the Unemployment Insurance Acts	289,000	—
4.	For grants to local authorities, etc., for assistance in carrying out approved schemes to relieve unemployment	200,000	—
	CLASS IV.		
1.	For the salaries and expenses of the Ministry of Education	70,619	101
2.	For the expenses of educational services, including grants in aid of the Teachers' Pension Fund ..	1,900,539	84,000
	CLASS V.		
1.	For the salaries and expenses of the Ministry of Agriculture ..	46,544	—
2.	For the expenses of the Ministry of Agriculture in respect of agricultural institutions, improvement of live stock, agricultural research and development, and agricultural statistics, including sundry grants in aid	75,929	33,870
3.	For the salaries and expenses of the Ministry of Agriculture in respect of Ordnance Survey and Geological Survey	9,687	819
	CLASS VI.		
1.	For the salaries and expenses of the Ministry of Commerce	22,380	900
2.	For the expenses of Harbours and commercial services, including certain grants in aid	19,238	280

Digitized by Google

CHAPTER 13.

A.D. 1924.

An Act to establish a special Capital Fund and to charge sums upon the Consolidated Fund of Northern Ireland for the provision or improvement of buildings for certain public purposes; to extend the powers of the Ministry of Finance with respect to the investment of moneys and the making of loans; and for other purposes connected therewith. [29th May, 1924.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Establishment of special fund for certain capital moneys.

1.—(1) The Ministry of Finance for Northern Ireland (in this Act referred to as "the Ministry of Finance") shall place to the credit of a fund to be held by that Ministry and called "the Capital Fund No. 2" the capital sum of money specified in the Schedule to this Act, and the Capital Fund No. 2 shall, subject to the provisions of this Act, be held and applied for such of the following purposes as the Ministry of Finance may determine, that is to say:—

(*a*) The acquisition of land and the erection and equipment of buildings in connection with the provision of—

(i) institutions for agricultural instruction or research (including the agricultural science laboratory hereinafter in this subsection referred to);

(ii) a college for the training of school teachers and hostels in connection therewith;

(iii) a Royal Ulster Constabulary depot for the purposes of the instruction and training of members and officers of the force, and the storing of arms, equipment and clothing;

(iv) a convict prison, a Borstal institution and a criminal lunatic asylum;

Digitized by Google

A.D. 1924.

(*b*) The work of repairing and rendering sufficient any prison premises assigned to the Government of Northern Ireland, to such extent as the Ministry of Finance, after consultation with the Ministry of Home Affairs for Northern Ireland, may decide such work to be properly chargeable against the Capital Fund No. 2;

(*c*) The making of a grant of a sum not exceeding thirty-one thousand pounds to the governing body of Queen's University, Belfast, to assist that body in erecting and equipping an agricultural science laboratory.

(2) All sums required for any of the purposes to which the Capital Fund No. 2 is applicable under this Act shall be voted and appropriated to such purpose by Act of Parliament, and such expenditure of the vote as may be certified from time to time by the department charged therewith, and approved by the Ministry of Finance, shall be paid out of the said Fund as an appropriation in aid of the vote at such periods as may be prescribed.

(3) If the Ministry of Finance certify that any expenditure which, before the passing of this Act, has been defrayed out of moneys provided by Parliament was incurred for any purpose to which the Capital Fund No. 2 is applicable, then such sum as may be named in such certificate shall be paid out of that Fund—

(*a*) into the Exchequer of Northern Ireland, if the expenditure was met out of moneys provided by Parliament for the service of the financial year ended on the thirty-first day of March, nineteen hundred and twenty-three; and

(*b*) as an appropriation in aid of the vote on which the expenditure was borne, if that expenditure was met out of moneys provided by Parliament for the service of the financial year ended on the thirty-first day of March, nineteen hundred and twenty-four:

Provided that no such payments shall be made on any date later than the thirtieth day of September, nineteen hundred and twenty-four.

Digitized by Google

A.D. 1924

(4) If the Capital Fund No. 2 shall at any time be insufficient for the purposes to which it is applicable under this Act, the Ministry of Finance may, if it thinks fit, borrow, for the purpose of meeting such insufficiency, any sum by means of terminable annuities or other securities, in such manner and for such period or periods not exceeding twenty-five years from the date of borrowing as may be prescribed, and all sums so borrowed shall be paid into the Capital Fund No. 2:

Provided that the total sum which may be borrowed under this sub-section shall not exceed seventy-five thousand pounds.

Provisions as to capital expenditure on police barracks, &c.

2. There shall be charged on and paid out of the Consolidated Fund of Northern Ireland or the growing produce thereof such sums, not exceeding in the whole a sum of three hundred and seventy-five thousand pounds, as the Ministry of Finance may determine to be necessary for the following purposes:—

(*a*) The acquisition of land and buildings for the use or accommodation of the Royal Ulster Constabulary force, the erection and equipment of new constabulary barracks or stations, and the improvement and enlargement of any existing building for the purposes hereinbefore mentioned in this paragraph; and

(*b*) The making of structural alterations to premises held for the use or accommodation of the said force immediately before the passing of this Act, where the works are certified by the Ministry of Finance to be of the nature of substantial reconstruction;

and for the purpose of providing money to defray such charges, or for repaying to the said Consolidated Fund any moneys issued in respect of such charges, the Ministry of Finance may, if it thinks fit, borrow any sum by means of terminable annuities or other securities in such manner and for such period or periods not exceeding twenty-five years from the date of borrowing as may be prescribed, and all sums so borrowed shall be paid into the Exchequer of Northern Ireland.

Digitized by Google

A.D. 1924.

Raising of money for Capital Fund No. 2 and Consolidated Fund, temporary application of moneys, and accounts.

3.—(1) The Capital Fund established under the Exchequer and Financial Provisions Act (Northern Ireland), 1923 (in this Act referred to as " the Act of 1923 ") shall be made available for the purpose of any borrowings by the Ministry of Finance under the foregoing provisions of this Act, whether for the purpose of meeting any insufficiency in the Capital Fund No. 2, or for the purpose of providing money to defray charges on, or repaying moneys to, the Consolidated Fund of Northern Ireland.

(2) Any annuities created for the purpose of such borrowing by the Ministry of Finance shall be paid out of moneys provided by Parliament, and if those moneys are insufficient shall be a charge on and payable out of the said Consolidated Fund or the growing produce thereof.

(3) The principal of and interest on any securities issued for the purpose of such borrowing shall be a charge on and payable out of the said Consolidated Fund or the growing produce thereof.

(4) When any sums forming part of the Capital Fund No. 2, or raised for the purpose of providing money to defray charges on, or repaying moneys to, the said Consolidated Fund, are not for the time being required for the purposes to which the Capital Fund No. 2 is applicable, or for which such sums were raised (as the case may require) the Ministry of Finance may, pending such requirements—

(*a*) invest any such sums temporarily and pay the income arising from any such investments into the Exchequer of Northern Ireland ; or

(*b*) make such sums available for any purpose mentioned in paragraph (*a*) of sub-section (4) of section four of the Act of 1923.

(5) The Ministry of Finance shall keep in the prescribed form accounts with respect to all moneys placed to the credit of or paid out of the Capital Fund No. 2, and with respect to every issue, investment or other disposition of money under this Act in connection with the Capital Fund No. 2 or the said Consolidated Fund, and the accounts of the Capital Fund No. 2 and all such other

Digitized by Google

accounts shall be submitted to the Comptroller and Auditor-General in the prescribed form and audited by him, and the provisions of sub-section (3) of section six of the Act of 1923 shall apply accordingly.

Proceeds of sale and disposition of land.

4. If any land or building, whether used immediately before the passing of this Act, or acquired or erected after the passing of this Act, for or in connection with any of the purposes mentioned in the foregoing provisions of this Act, is sold or otherwise disposed of as being no longer required for such purpose, the moneys arising from such sale or disposition shall, notwithstanding anything in any enactment, be applied, to such extent as the Ministry of Finance may direct having regard to the purpose for which the land or building was used before such sale or disposition, to paying off any sums borrowed to meet insufficiencies in the Capital Fund No. 2, or to the reduction of any sums charged upon the said Consolidated Fund under this Act, or to paying off, in such manner as may be prescribed, any annuities or securities created under this Act:

Provided that such moneys, if not required for application as aforesaid, shall be paid into the Exchequer of Northern Ireland or into the Capital Fund No. 2, according as the Ministry of Finance may direct.

Amendment of existing financial provisions.

5.—(1) Section one of the Exchequer Borrowing and Local Loans Act (Northern Ireland), 1922, shall have effect, and shall be deemed always to have had effect, so as to empower the Ministry of Finance to lend money raised in accordance with that Act to any council, town commissioners and guardians referred to in paragraph (*a*) of sub-section (1) of that section and to any other commissioners or public body constituted in Northern Ireland by Act of Parliament, for any purpose for which such council, guardians, town or other commissioners or public body have power to borrow under any enactment, whether general or local.

(2) Section two of the Act of 1923, as amended by sub-section (1) of section ten of the Finance Act (Northern Ireland), 1923, shall have effect as if the words "to the Ministry of Finance" were omitted from sub-section (1)

Digitized by Google

A.D. 1924.

of the first-mentioned section, and as if the words " by the Ministry of Finance within six months after the date of issue " were omitted from sub-section (2) thereof.

(3) For the purposes of sub-section (1) of section six of the Act of 1923, any sums repaid from time to time in respect of advances made out of moneys provided by Parliament for any purpose referred to in the proviso to that sub-section shall be deemed to be repayments in respect of capital advances, and shall be shown as capital receipts both in the accounts to be kept under that sub-section and in the annual account of the public income and expenditure of Northern Ireland to be prepared under section one of the Act of 1923.

Short title.

6. This Act may be cited as the Exchequer and Financial Provisions Act (Northern Ireland), 1924, and shall be construed as one with the Exchequer and Financial Provisions Act (Northern Ireland), 1923, and that Act and this Act may be cited together as the Exchequer and Financial Provisions Acts (Northern Ireland), 1923 and 1924.

Section 1 (1).

SCHEDULE.

The sum of Four hundred thousand pounds granted on the recommendation of the Northern Ireland Special Arbitration Committee in final satisfaction of certain claims under the Government of Ireland Act, 1920, made by the Government of Northern Ireland and described in paragraph 9 of the first Report of the said Committee (presented to the Parliament of the United Kingdom by command of His Majesty) as follows :—

> " All claims under Section 34 (1) of the Act, other than claims already recognised by the Joint Exchequer Board, and under Section 69 (*f*) of the Act, other than claims covered by the provisions of the Government of Ireland (Transfer and Apportionment of Property) Order, 1922."

Digitized by Google

CHAPTER 14.

A.D. 1924

An Act to empower the Governor of Northern Ireland to make temporary provision by Order in Council for the amendment of the Unemployment Insurance Acts (Northern Ireland), 1920 to 1924. [29th May, 1924.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Application to Northern Ireland of Acts passed by United Kingdom Parliament.

1.—(1) In the event of any Acts being hereafter passed in the present session of the Parliament of the United Kingdom to amend the Unemployment Insurance Acts, 1920 to 1924, there shall apply to Northern Ireland so much as the Governor of Northern Ireland by Order in Council declares applicable of the enactments contained in any such Act, being enactments making provision for or with respect to—

(*a*) the periods during which insured persons are to be entitled to receive unemployment benefit;

(*b*) the rates of unemployment benefit and the amount of the contributions in respect thereof to be paid by the employed person and his employer and to be made out of moneys provided by Parliament;

(*c*) the amendment of the law as to the statutory conditions and disqualifications for the receipt of unemployment benefit;

(*d*) the age at which persons engaged in insurable occupations are required to be insured;

(*e*) the repeal of any enactments relating to special schemes;

(*f*) the amendment of the law relating to the repayment of sums to insured contributors out of the unemployment fund; and

(*g*) the making of grants out of the unemployment fund towards the cost of approved courses of instruction for insured contributors.

Digitized by Google

A D. 1924.

(2) An Order in Council under this Act may make such adaptations of any such enactments as aforesaid as appear necessary or expedient for carrying into effect the application of those enactments to Northern Ireland, and as from any date specified in the Order the Unemployment Insurance Acts (Northern Ireland), 1920 to 1924, shall have effect as amended by the enactments applied to Northern Ireland by the Order.

(3) There shall be paid out of moneys provided by Parliament the expenses, up to an amount sanctioned by the Ministry of Finance for Northern Ireland, of carrying into effect the provisions of the Unemployment Insurance Acts (Northern Ireland), 1920 to 1924, as amended by any enactments applied to Northern Ireland by an Order in Council under this Act.

Duration of Act.

2. This Act shall continue in force until Parliament makes further provision with respect to unemployment insurance in Northern Ireland, but in no case after the thirty-first day of December, nineteen hundred and twenty-four.

Short title.

3. This Act may be cited as the Unemployment Insurance (Temporary Provisions) Act (Northern Ireland), 1924.

CHAPTER 15.

An Act to make provision for the licensing of wholesale dealers in eggs, the registration of premises where eggs are preserved, the better testing, grading and packing of eggs, and the better prevention of the sale of eggs unfit for human food; and for other purposes connected therewith. [29th May, 1924.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Digitized by Google

A.D. 1924.

Licensing of wholesale dealers in eggs.

1.—(1) The Ministry of Agriculture for Northern Ireland (in this Act referred to as "the Ministry") shall grant a licence to carry on business in Northern Ireland as a wholesale dealer in eggs to any person applying for such licence who complies or undertakes to comply with such conditions in relation to the preparation for sale and the consignment of eggs as may be prescribed from time to time by the Ministry, with respect to any class of such business, in order to secure—

(*a*) the proper testing, grading and packing of such eggs, and their freshness and fitness for the food of man; and

(*b*) compliance with the requirements of this Act relating to any such eggs.

For the purposes of this Act the expression "wholesale dealer" includes any person who carries on the business of purchasing eggs for re-sale otherwise than by retail.

(2) Any person who carries on business in Northern Ireland as a wholesale dealer in eggs without being licensed for the purpose under this section, and any person who deals by way of wholesale purchase of eggs with any wholesale dealer who is not so licensed, shall be guilty of an offence against this Act:

Provided that a person who deals with a wholesale dealer in eggs who is not licensed as aforesaid shall not be liable to conviction under this sub-section, if he proves to the satisfaction of the court before whom he is charged that he did not know, and could not reasonably have known, that such wholesale dealer was not so licensed.

(3) A licence granted under this section shall remain in force until suspended or revoked by the Ministry by reason of the non-compliance of the holder of the licence with the conditions prescribed as aforesaid, or for any other sufficient reason; and a fee of twenty shillings shall be paid to the Ministry in respect of the grant of each such licence. A certified copy of a licence may be issued upon payment of a fee of two shillings and sixpence.

(4) If any person forges or fraudulently alters or uses, or permits to be fraudulently altered or used, any licence or certified copy of a licence issued under this section, he shall be guilty of an offence against this Act.

Digitized by Google

A.D. 1924.

Registration of premises where eggs are preserved.

2.—(1) All premises on which, by way of trade, eggs are preserved, cold-stored or pickled shall be registered by the owner or occupier thereof from time to time in such manner as the Ministry may prescribe, and every such owner or occupier carrying on the preserving, cold-storage or pickling of eggs on premises not duly registered shall be guilty of an offence against this Act.

(2) The owner or occupier of premises registered under this section shall keep such records and furnish to the Ministry such returns with respect to the delivery, despatch and ownership of eggs dealt with on the registered premises as the Ministry may prescribe. Any such records shall be open to inspection, at all reasonable times, by a duly authorised officer of the Ministry. If the owner or occupier of any such registered premises wilfully makes default in complying with the requirements of this sub-section, or if he makes any false or fraudulent statement in any record or return kept or furnished in pursuance of this sub-section, he shall be guilty of an offence against this Act.

No individual return or part of a return furnished in pursuance of this sub-section shall be published or disclosed except for the purposes of a prosecution under this Act.

Marking of egg packages and description of eggs.

3.—(1) Every person dealing in preserved, cold-stored or pickled eggs, whether by wholesale or retail, whether as importer, consignor, consignee or commission agent, or otherwise, shall conform to the following regulations :—

(*a*) Every package, whether open or closed, which contains any such eggs shall be branded with the words " Preserved Eggs," " Cold-Stored Eggs " or " Pickled Eggs," as the case requires;

(*b*) The brand shall be on the package itself, and not solely on a label, ticket, or other thing attached thereto;

(*c*) The letters of which the brand is composed shall be capital block letters, not less than two inches square and distinctly legible;

(*d*) If any such eggs are exposed for sale by retail, there shall be attached to, or exhibited with, each lot thereof so exposed, in such manner as

Digitized by Google

to be clearly visible to the purchaser, a label marked, in printed capital block letters not less than one and a half inches square, with the words "Preserved Eggs," "Cold-stored Eggs" or "Pickled Eggs," as the case requires.

(2) Every person dealing in, selling, exposing or offering for sale, or having in his possession for the purpose of sale, any preserved, cold-stored or pickled eggs contrary to the provisions of this section shall be guilty of an offence against this Act:

Provided that a warranty or invoice shall be available as a defence in a prosecution for an offence against this section in relation to the sale of any such eggs as aforesaid, in any case where a warranty or invoice would be so available if the prosecution had been taken under the Sale of Food and Drugs Acts in respect of the sale of an article of food, and section twenty-five of the Sale of Food and Drugs Act, 1875, and section twenty of the Sale of Food and Drugs Act, 1899, shall apply accordingly.

38 & 39 Vict., c. 63.
62 & 63 Vict., c. 51.

(3) If the Ministry has reason to believe that the provisions of this section are being contravened, the Ministry may specially authorise an officer to enter any premises and take and examine samples from any package and to ascertain, if necessary, by submitting any samples for expert examination, whether an offence against this section has been committed.

Provision of packing accommodation at markets.

4.—(1) The market authority of every market, in which tolls are for the time being authorised to be taken and actually are taken in respect of eggs, shall provide and maintain such covered sheds or other accommodation for the packing of eggs brought for sale at the market as the Ministry considers suitable.

(2) If the market authority fail to comply with any requirement of the Ministry as to the provision of such accommodation, it shall not be lawful for them to demand or recover tolls in respect of eggs brought for sale at the market, for any period during which such failure continues.

(3) In this section the expression "market authority" means the company, corporation or person by whom the tolls in the market are authorised to be taken.

Digitized by Google

A.D. 1924.

Extension of 53 & 54 Vict c. 59, s. 28.

41 & 42 Vict., c. 52.

5. Section twenty-eight in Part III. of the Public Health Acts Amendment Act, 1890, which extends and applies sections one hundred and thirty-two to one hundred and thirty-five, inclusive, of the Public Health (Ireland) Act, 1878 (relating to unsound meat) to all articles intended for the food of man, shall, in relation to eggs, be in force, as from the commencement of this Act, in every urban and rural district in Northern Ireland in like manner as if it had been adopted by the council of each such district.

Powers of officers for carrying Act into execution

6.—(1) Any officer of the Ministry acting in the execution of this Act shall, without prejudice to any other provisions of this Act, have power—

(*a*) to enter, at all reasonable times, any premises owned or occupied for the purpose of his trade by a licensed wholesale dealer in eggs, and to inspect any process of grading or packing eggs, or any eggs being in the possession of such dealer for the purpose of his trade;

(*b*) to take, for the purpose of expert examination, samples of eggs found in process of being tested, graded or packed, or being in the possession of a licensed wholesale dealer in eggs for any purpose of his trade; and

(*c*) to enter, at all reasonable times, any premises registered for the preserving, cold-storage or pickling of eggs by way of trade.

(2) If the Ministry has reason to believe that wholesale transactions in eggs are carried on upon any premises not owned or occupied by a licensed wholesale dealer in eggs, or that the preserving, cold-storage or pickling of eggs by way of trade is carried on upon any premises not registered for that purpose, the Ministry may specially authorise any of its officers to enter the premises, and in such case the officer shall have the like powers of entry, inspection or taking samples as if the premises were owned or occupied by a licensed wholesale dealer in eggs, or were registered for the preserving, cold-storage or pickling of eggs.

An officer of the Ministry shall not be entitled to exercise any of his powers under this sub-section unless he produces his special authority, if requested to do so by

Digitized by Google

A.D. 1924

or on behalf of the owner or occupier of the premises to be entered.

(3) Any person who obstructs or impedes a duly authorised officer of the Ministry in the exercise of any of his powers when acting in the execution of this Act shall be guilty of an offence against this Act.

Power of Ministry to make rules and to enable local authorities to carry Act into execution.

7.—(1) The Ministry may make rules for prescribing the conditions to be complied with by persons licensed under this Act to carry on business as wholesale dealers in eggs, and any other thing which is required by this Act to be prescribed, and, generally, for carrying this Act into effect.

(2) Rules may be made under this section for enabling any local authorities or their officers to exercise within the respective areas of such local authorities any of the powers which are conferred by this Act upon the Ministry or officers of the Ministry, and adapting the provisions of this Act for that purpose.

Provisions as to prosecution of offences and penalties.

8.—(1) All offences against this Act shall be prosecuted, and all fines imposed thereunder shall be recovered, on summary conviction before a court of summary jurisdiction in manner provided by the Summary Jurisdiction (Ireland) Acts.

(2) Any person aggrieved by a conviction or order made by a court of summary jurisdiction on determining any information or complaint under this Act may appeal in the manner provided by the Summary Jurisdiction (Ireland) Acts.

(3) Any person who is found guilty of an offence against this Act shall be liable, on conviction, for the first offence to a fine not exceeding twenty pounds, and for the second offence to a fine not exceeding fifty pounds, and for the third or any subsequent offence to a fine not exceeding one hundred pounds.

(4) Where a person guilty of an offence is liable to a fine exceeding fifty pounds, and the offence, in the opinion of the court, was committed by the personal act, default, or culpable negligence of the person accused, that person shall be liable (if the court is of opinion that a fine will not meet the circumstances of the case) to imprisonment for a period not exceeding three months.

Digitized by Google

A.D. 1924.

Expenses of Ministry and application of fines and payments.

9.—(1) The expenses of the Ministry under this Act, to such an amount as may be approved by the Ministry of Finance for Northern Ireland, shall be defrayed out of moneys provided by Parliament.

(2) All fines recoverable under this Act shall be paid to the Ministry, and the amount so recovered, and all other sums received under this Act by the Ministry, shall be paid to the Exchequer of Northern Ireland, except so far as any sums received in respect of fees may be appropriated by Parliament in aid of expenses under this Act.

Short title, commencement and construction.

10.—(1) This Act may be cited as the Marketing of Eggs Act (Northern Ireland), 1924.

(2) This Act shall come into operation on the first day of January, nineteen hundred and twenty-five.

(3) References in this Act to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

CHAPTER 16.

An Act to make further provision with respect to the expenses of the administration of certain benefits under the Acts relating to National Health Insurance in Northern Ireland, and to amend section twenty-nine of the National Health Insurance Act, 1918, and for purposes connected therewith. [29th May, 1924.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Provision as to cost of medical certification.

1.—(1) For the purpose of defraying the expenses of medical certification incurred by the Ministry of Labour for Northern Ireland (in this Act referred to as "the Ministry"), there shall in respect of each year during which this Act continues in force be paid to the Ministry

Digitized by Google

a sum at such yearly rate as may be prescribed, but not exceeding two shillings per year, in respect of each of the total number (calculated in the prescribed manner) of insured persons resident in Northern Ireland and being members of approved societies (in this Act referred to as " the total number of members of approved societies ").

(2) Such part of the sum to be paid as aforesaid as is not defrayed in pursuance of section three of the National Insurance Act, 1911, out of moneys provided by Parliament (in this sub-section referred to as " the balance ") shall in each year be provided as follows, that is to say :— 1 & 2 Geo. 5 c. 55.

(*a*) there shall be paid by each approved society an amount representing a charge at the rate of seven-ninths of two pence in respect of each of the total number of members of the society calculated in the prescribed manner ;

(*b*) there shall be paid out of the moneys payable to the Ministry from the Central Fund under the provisions of any Act passed by the Parliament of the United Kingdom and in force for the time being such amount as may be prescribed, but not exceeding seven-ninths of one shilling and fourpence in respect of each of the total number of members of approved societies ;

(*c*) the residue of the balance shall be paid out of the sums standing to the credit of the Income Account of the National Health Insurance Fund (Investment) Account kept in accordance with the regulations in force in Northern Ireland under sub-section (3) of section fifty-four of the National Insurance Act, 1911.

(3) For the purposes of this section the expression " medical certification " means any arrangement made by the Ministry for the provision, for the purposes of the enactments relating to National Health Insurance, of medical evidence of incapacity for work in the case of insured persons.

(4) This section shall be deemed to have had effect as from the first day of January, nineteen hundred and twenty-four, and shall continue in force until the thirty-first day of December, nineteen hundred and twenty-six.

Digitized by Google

A.D. 1924.

Application of part of sums unclaimed in stamp sales account towards cancellation of arrears. 7 & 8 Geo. 5 c. 62.

2.—(1) Such part as the National Health Insurance Joint Committee may direct of the sums which under section twenty-nine of the National Health Insurance Act, 1918, are to be carried to the Central Fund shall, instead of being so carried, be credited to approved societies in accordance with a scheme to be made by the said Committee with the approval of the Ministry of Finance for Northern Ireland, and any sums credited under this section to an approved society shall be applied by the society in such manner as the scheme may provide for the purpose of preventing such members of the society as are in arrears from having or continuing to have their rates of sickness, disablement and maternity benefits reduced by greater amounts than such amounts as may be fixed in the scheme.

(2) This section shall be deemed to have had effect as from the first day of January, nineteen hundred and twenty-three, and shall continue in force until the thirty-first day of December, nineteen hundred and twenty-five.

Proceedings for recovery of contributions. 3 & 4 Geo. 5 c. 37.

3. Nothing in sub-section (2) of section sixty-nine of the National Insurance Act, 1911, or in sub-section (3) of section thirty-four of the National Insurance Act, 1913, shall be construed as preventing the Ministry from recovering by means of civil proceedings any contributions which an employer has failed or neglected to pay in respect of a person, and all such contributions may, without prejudice to any other remedy, be recovered by the Ministry summarily as a civil debt.

Repeal.

4. The enactments mentioned in the Schedule to this Act (which relate, respectively, to the administration of sanatorium benefit, the appointment of an advisory committee and the expenses of insurance committees) are hereby repealed as respects Northern Ireland to the extent specified in the third column of that Schedule.

Short title, and construction.

5.—(1) This Act may be cited as the National Health Insurance Act (Northern Ireland), 1924, and shall be construed as one with the National Health Insurance Acts (Northern Ireland), 1911 to 1922, and those Acts and this Act may be cited together as the National Health Insurance Acts (Northern Ireland), 1911 to 1924.

Digitized by Google

A.D. 1924

(2) References in this Act to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

SCHEDULE.

ENACTMENTS REPEALED.

Section 4

Session and Chapter.	Short Title.	Extent of Repeal.
1 & 2 Geo. 5 c. 55	The National Insurance Act, 1911.	Paragraph (*b*) of and the proviso to sub-section (2) of section sixteen; section fifty-eight.
3 & 4 Geo. 5 c. 37	The National Insurance Act, 1913.	In sub-section (1) of section thirty-one the words from "and there shall be paid out of moneys provided by Parliament" to the end of the sub-section.

CHAPTER 17.

An Act to empower the Ministry of Home Affairs to acquire land and buildings for Constabulary purposes. [29th May, 1924.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Power of Ministry of Home Affairs to acquire land for Constabulary purposes. 12 & 13 Geo. 5, c. 8 (Northern Ireland).

1.—(1) When any land is required for the purposes of being occupied, used or built upon for the use or accommodation of the Royal Ulster Constabulary force, or for any purpose of the Constabulary Act (Northern Ireland), 1922, and the enactments thereby applied, the Ministry of Home Affairs for Northern Ireland (in this Act referred to as "the Ministry") shall have power—

Digitized by Google

A.D. 1924.

(*a*) to purchase the same in like manner as such land may be purchased by the receiver for the said force, and

(*b*) in any case in which the Ministry thinks fit, to acquire such land compulsorily in accordance with the provisions hereinafter contained :

Provided that the power of acquiring land compulsorily shall not be exercised after the expiration of five years from the passing of this Act.

(2) The Ministry, where it proposes to purchase land compulsorily under this Act, may make an order putting in force as respects the land specified in the order the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement, but an order under this Act shall be of no force unless and until it is confirmed by the Ministry.

(3) On the making of the order notice thereof shall be published by the Ministry in the prescribed manner, and such notice shall be given both in the locality in which the land is proposed to be acquired and to the owners, lessees and occupiers of that land, as may be prescribed.

(4) On the expiration of one month from the publication of the notice of the order the Ministry, after considering all objections to the order which may have been presented to the Ministry by any persons interested in the land, may confirm the order either without modification or subject to such modifications as the Ministry thinks fit, and an order when so confirmed shall become final and have effect as if enacted in this Act ; and the confirmation by the Ministry shall be conclusive evidence that the requirements of this Act have been complied with and that the order has been duly made and is within the powers of this Act, and on confirming the order the Ministry shall forthwith publish notice of the confirmation.

(5) The order shall be in the prescribed form and shall contain such provisions as the Ministry may prescribe for the purpose of carrying the order into effect and shall incorporate, subject to the necessary adaptations, the Lands Clauses Acts.

(6) For the purposes of this Act the provisions of the Lands Clauses Acts shall (so far as is consistent with

Digitized by Google

A.D. 1924.

the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919) be deemed to be amended by the provisions contained in the Second Schedule to the Housing of the Working Classes Act, 1890, except that the following provisions shall be substituted in that schedule for Articles 26 and 27 thereof, that is to say :—

53 & 54 Vict., c. 70.

" In the following cases, namely—

(*a*) where the party named in any certificate issued by the Ministry of the amount of the compensation ascertained by the award of the arbitrator (or any party claiming under the party so named) is dissatisfied with the amount in such certificate certified to be payable ; and

(*b*) where any party claiming any interest in any moneys so paid into court, as aforesaid, is dissatisfied with the amount of the price or compensation in respect of which such moneys are paid into court ; and,

(*c*) where the Ministry is dissatisfied with the amount of compensation which the arbitrator has awarded to be paid by the Ministry to any person in respect of any estate or interest in lands ;

the party dissatisfied may appeal to the county court judge having jurisdiction where the land proposed to be acquired is situate on the question of the proper amount of compensation, provided that such party give notice in writing to the other party of the intention to appeal within ten days after the cause of appeal has arisen.

The cause of appeal shall be deemed to have arisen—

(i) where a certificate has been issued as aforesaid, at the date of the issue of the certificate ;

(ii) where moneys have been paid into court, at the date upon which the Ministry gives notice of the payment into court ;

(iii) where the Ministry appeals, at the date of the making of the award.

Rules of court regulating the practice and procedure and costs of an appeal under the provisions of this Article, and prescribing the forms of proceedings therein, may be made by the authority having power

Digitized by Google

A.D. 1924.

to make rules and orders for regulating the practice of the civil bill courts."

(7) In construing for the purposes of this Act, or any order made thereunder, any enactment incorporated with the order, this Act together with the order (when duly confirmed) shall be deemed to be the special Act, or the confirming Act, as the case requires; the due confirmation of the order shall be deemed to be the passing of the confirming Act; and the Ministry shall be deemed to be the confirming authority, the promoters of the undertaking, the company or the local authority, as the case requires.

(8) In this Act—

The expression "land" includes buildings and any interests in land and any easement or right in, to or over land:

The expression "county court judge" includes recorder:

The expression "prescribed" means prescribed by the Ministry.

Vesting of land in receiver.

2. When any land has been purchased or acquired under this Act, the Ministry shall make an order directing that such land shall vest in the receiver for the Royal Ulster Constabulary force, and upon the making of any such order the land therein specified shall forthwith be vested in the said receiver without the necessity of any transfer, assignment or other instrument, but so, nevertheless, that the said receiver shall, in the case of land so purchased or acquired being land subject to the Local Registration of Title (Ireland) Act, 1891, do any act necessary for having the ownership registered in his name. All such land shall be held by him subject to the provisions of section forty of the Constabulary (Ireland) Act, 1836.

54 & 55 Vict., c. 66.

6 & 7 Will. 4, c. 13.

Short title and construction.

3.—(1) This Act may be cited as the Constabulary (Acquisition of Land) Act (Northern Ireland), 1924.

(2) References in this Act to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

Digitized by Google

CHAPTER 18.

A.D. 1924.

An Act to enable the Ministry of Finance to make further advances for discharging the liabilities of the Northern Irish Unemployment Fund.

[9th October, 1924.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Advances by Ministry of Finance for unemployment fund. 12 & 13 Geo. 5. c. 4. 13 & 14 Geo. 5. c. 11.

1. The Unemployment Fund Act (Northern Ireland), 1922, as amended by section five of the Unemployment Insurance Act (Northern Ireland), 1923, shall have effect as if in the proviso to sub-section (1) of section one of the first-mentioned Act two million two hundred and fifty thousand pounds were substituted for one million five hundred thousand pounds as the limit on the total amount of advances which may be made under the first-mentioned Act by the Ministry of Finance for discharging the liabilities of the Northern Irish unemployment fund.

Short title.

2. This Act may be cited as the Unemployment Fund Act (Northern Ireland), 1924.

CHAPTER 19.

An Act to amend the Law relating to certain Duties of Inland Revenue (including Excise), and to make further provision with respect to the cessation of, and relief from, certain Duties, and with respect to Finance.

[7th November, 1924.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Digitized by Google

A.D. 1924.

PART I.

ENTERTAINMENTS DUTY AND LICENCE DUTIES.

Entertainments duty in cases of transfers.

1. Where a person who has made a payment for admission to an entertainment subsequently on being admitted to another part of the place of entertainment makes a further payment for admission in respect of the same entertainment, there shall, for the purposes of entertainments duty, be deemed to have been one payment of an amount equal to the aggregate amount of the several payments.

Amendment of s. 1 of Finance Act (Northern Ireland), 1923. 13 & 14 Geo. 5, c. 26.

2. Section one of the Finance Act (Northern Ireland), 1923 (which gives relief from entertainments duty in the case of certain entertainments) shall be amended as follows:—

(1) Paragraph (*b*) of sub-section (1) shall cease to have effect;

(2) The following shall be substituted for paragraph (*c*):—

"(*b*) That the entertainment consists solely of an exhibition—

(i) of the products of an industry, or of materials, machinery, appliances, or foodstuffs used in the production of those products, or displays of skill by workers in the industry in work pertaining to the industry; or

(ii) of works of graphic art, sculpture, and arts craftsmanship, or of one or more of such classes of works, executed and exhibited by persons who practise graphic art, sculpture, or arts craftsmanship for profit and as their main occupation, or of displays of skill by such persons in such arts or crafts; or

(iii) of articles or displays of skill which are of material interest in connection with questions relating to the public health;

or consists solely of such exhibitions or displays of skill, together with a performance of music by a band or an exhibition of work or displays of skill by children under the age of sixteen years or by young persons attending a school or other educational institution."

Digitized by Google

A.D. 1924.

Determination of questions as to educational entertainments. 6 Geo. 5, c. 11.

3. Any question to be determined in case of difference under paragraph (*b*) of sub-section (5) of section one of the Finance (New Duties) Act, 1916 (which grants relief from entertainments duty in the case of entertainments of a wholly educational character) shall be determined by the Ministry of Education for Northern Ireland.

Amendments as to licences for mechanically propelled vehicles. 12 & 13 Geo. 5, c. 18.

4.—(1) The holder of a licence taken out for a mechanically-propelled vehicle (including a licence charged with duty under paragraph (*a*) of sub-section (2) of section five of the Finance Act (Northern Ireland), 1922, but not including a licence for a tramcar) may at any time surrender the licence to the council of the county or county borough with which the vehicle is for the time being registered, or in the case of a licence charged with duty under the said paragraph (*a*) to the council of the county or county borough by which the licence was granted, and shall, subject to the payment, in the case of a licence in respect of a vehicle chargeable with duty under paragraph 1 of the Second Schedule to the Finance Act, 1920, of a fee of five shillings, or, in the case of any other licence, of a fee of ten shillings, be entitled to be repaid by the council by way of rebate of the duty paid for the licence the following amount in respect of each complete month of the period of the currency of the licence which is unexpired at the date of the surrender :— 10 & 11 Geo. 5, c. 18

(*a*) in the case of a licence taken out for one quarter of the year only or for any less period, a sum equal to one-third of the duty chargeable on a quarterly licence for the vehicle ;

(*b*) in the case of a licence of any other class, a sum equal to one twelfth of the full annual duty chargeable on the licence.

(2) Where in pursuance of the proviso to sub-section (2) of section five of the Finance Act (Northern Ireland), 1922, a licence is taken out by a manufacturer, repairer or dealer for one quarter of the year only, the duty on the licence shall be twenty-seven and one-half per cent., instead of thirty per cent., of the full annual duty.

(3) No duty shall be payable under section thirteen of the Finance Act, 1920, as amended by any subsequent

Digitized by Google

A.D. 1924.

enactment, in respect of a mechanically-propelled vehicle which is used exclusively on roads which are not maintainable at the cost of any county or county district.

(4) For the purposes of this section the month of March shall be deemed to end on the twenty-fourth day of that month, and the month of April shall be deemed to begin on the twenty-fifth day of March, and in making repayments under this section or under paragraph 6 of the Second Schedule to the Finance Act, 1920, fractions of a penny shall be disregarded.

(5) This section shall come into operation on the first day of January, nineteen hundred and twenty-five.

Cesser of licence duty in respect of cider and certain table waters. 6 & 7 Geo. 5, c. 24.

5.—(1) It is hereby declared that—

(*a*) the provisions of section nine of the Finance Act, 1916, ceased to have effect as from the first day of May nineteen hundred and twenty-three so far as they relate to the licence duty payable by dealers in cider or perry, and

(*b*) the provisions of the said section ceased to have effect as from the first day of August nineteen hundred and twenty-four so far as they relate to the licence duty payable by manufacturers for sale of table waters.

In this sub-section the expression "licence duty payable by dealers in cider or perry" means the Excise duty of ten shillings chargeable annually under section nine of the Finance Act, 1916, in cases where such a licence is required under section six of the Finance (New Duties) Act, 1916, by persons who sell cider or perry in Northern Ireland, and the expression "licence duty payable by manufacturers for sale of table waters" means the Excise duty of ten shillings chargeable annually under section nine of the Finance Act, 1916, in cases where such a licence is required in Northern Ireland by persons who sell table waters liable to duty at the rate of two-pence per gallon under the provisions of section four of the Finance (New Duties) Act, 1916, as amended by section eleven of the Finance Act, 1916, and section five of the Finance Act, 1923.

13 & 14 Geo. 5, c. 14.

14 & 15 Geo. 5, c. 21.

(2) Where, by reason of the provisions of sub-section (1) of section ten of the Finance Act, 1924, a person, who

Digitized by Google

A.D. 1924.

is the holder of a licence upon which the licence duty mentioned in paragraph (*b*) of sub-section (1) of this section was payable before the date therein mentioned, has ceased to require such a licence he shall, provided that the licence is surrendered on or before the first day of December nineteen hundred and twenty-four, be entitled to receive from the Ministry of Finance for Northern Ireland a sum equal to three-fourths of the licence duty paid in respect of the year beginning on the first day of May, nineteen hundred and twenty-four.

Game licences and gun licences taken out in Great Britain to be available in Northern Ireland.

6.—(1) Subject to the provisions of this section a game licence or a gun licence taken out in Great Britain shall, without further payment of duty, be available in Northern Ireland:

Provided that if the rates of duty chargeable respectively on game certificates and gun licences taken out in Northern Ireland are higher than the rates of duty chargeable respectively on game licences and gun licences taken out in Great Britain, any such licence taken out in Great Britain shall not be available in Northern Ireland until the difference between the British rate of duty and the Northern Irish rate of duty has been paid in Northern Ireland.

(2) This section shall come into operation on the first day of January nineteen hundred and twenty-five, and shall continue in operation so long only as the corresponding concession with respect to the availability in Great Britain of game certificates and gun licences taken out in Northern Ireland (which was enacted by section seventeen of the Finance Act, 1924) continues to have effect; and a declaration made by the Governor of Northern Ireland in Council that the corresponding concession has ceased to have effect as from a date specified in the declaration shall, for the purposes of this section, be conclusive evidence of the facts stated therein.

(3) In this section the expression "game licence" and "game certificate" mean respectively a licence (other than a gamekeeper's licence) or a certificate to kill game taken out under the Game Licences Act, 1860, and the expression "gun licence" means a licence to use or carry a gun taken out under the Gun Licence Act, 1870.

23 & 24 Vict., c. 90.

33 & 34 Vict., c. 57.

Digitized by Google

A.D. 1924.

PART II.

STAMP DUTY.

Exemption from stamp duty on receipts for salaries, wages and superannuation and other like allowances. 54 & 55 Vic., c. 39.

7. The following exemption shall be substituted for exemption numbered (6) under the heading "Receipt given for, or upon the payment of, money amounting to two pounds or upwards" in the First Schedule to the Stamp Act, 1891 :—

"(6) Receipt given for or on account of any salary, pay or wages, or for or on account of any other like payment made to or for the account or benefit of any person, being the holder of an office or an employee, in respect of his office or employment, or for or on account of money paid in respect of any pension, superannuation allowance, compassionate allowance or other like allowance."

Exemption from stamp duty of securities issued under Treaty with Turkey.

8. Section thirty-seven of the Finance Act, 1924 (which exempts from stamp duty in Great Britain certain securities issued under the provisions of a Treaty of Peace with Turkey) shall apply in Northern Ireland in like manner as it applies in Great Britain.

PART III.

MISCELLANEOUS AND GENERAL.

Extension of s. 14 of Finance Act, 1900. 63 &64 Vict., c. 7.

4 & 5 Geo. 5, c. 76.

9.—(1) All such relief as might have been given under section fourteen of the Finance Act, 1900, as amended by subsequent enactments (but not including section two of the Death Duties (Killed in War) Act, 1914), in respect of the death duties payable on property passing on the death of certain persons killed in the late war shall be given in respect of the death duties payable on the death of persons, being persons to whom this section applies, who die from wounds inflicted, accidents occurring, or disease contracted while on active service against an enemy, or on service which is of a warlike nature, or which, in the opinion of the Ministry of Finance for Northern Ireland, otherwise involves the same risks as active service.

(2) The persons to whom this section applies are the members of His Majesty's Forces who are subject either to the Naval Discipline Act or to military law, whether as officers, non-commissioned officers, or soldiers, under Part V. of the Army Act. or to the Air Force Act.

Digitized by Google

A.D. 1924.

(3) This section shall apply in the case of any persons dying from any such causes aforesaid arising after the thirty-first day of August, nineteen hundred and twenty-one.

11 & 12 Geo. 5, c. 32.

(4) Section forty-three of the Finance Act, 1921, (which extends the provisions of the said section fourteen of the Finance Act, 1900) shall apply in Northern Ireland as if the expression "members of His Majesty's Civil Service" included members of the Civil Service of Northern Ireland.

Amendment of s. 5 of 14 & 15 Geo. 5, c. 13.

10. Sub-section (1) of section five of the Exchequer and Financial Provisions Act (Northern Ireland), 1924, shall have effect, and shall be deemed always to have had effect, as if the following words were added at the end thereof, namely:—

"and also to apply money so raised to the making of any other local loan within the meaning of the said sub-section."

Construction and short title.

11.—(1) References in this Act to any Acts of the Parliament of the United Kingdom shall, unless the context otherwise requires, be construed as references to those Acts as they apply in Northern Ireland.

(2) References in this Act to the Ministry of Finance for Northern Ireland shall, if they occur in relation to taxes or duties, be construed as references to that Ministry acting in the execution of the powers transferred to it either from the Commissioners of Inland Revenue or from the Commissioners of Customs and Excise (as the case may require), and as including references to any officer of a department of the Government of the United Kingdom who is acting in the execution of any such powers on behalf of that Ministry by virtue of an arrangement under section sixty-three of the Government of Ireland Act, 1920.

10 & 11 Geo. 5, c. 67.

(3) This Act may be cited as the Finance Act (Northern Ireland), 1924.

Digitized by Google

A.D. 1924.

CHAPTER 20.

An Act to amend, and remove doubts as to certain provisions of the Assurance Companies Act, 1909, as they apply in Northern Ireland. [7th November, 1924.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Provisions as to making of money deposits.

1.—(1) Where an assurance company carrying on or proposing to carry on any class of assurance business in Northern Ireland furnishes proof to the satisfaction of the Ministry of Commerce for Northern Ireland (in this Act referred to as " the Ministry ") that the company has since the appointed day made, or after the passing of this Act makes, a deposit in Great Britain in respect of that class of assurance business in accordance with the Assurance Companies Act, 1909 (in this Act referred to as " the Act of 1909 "), then the company shall, so long as it maintains such deposit, be exempt from making in Northern Ireland in respect of the same class of business any separate deposit which would, apart from the provisions of this sub-section, be required to be made by the company under the Act of 1909 as it applies in Northern Ireland.

9 Edw. 7, c. 49.

(2) It is hereby declared that, notwithstanding any provisions contained in Article 12 of the Government of Ireland (Companies, Societies, &c.) Order, 1922, and any Order of His Majesty in Council amending that Order (whether made before or after the passing of this Act), an assurance company is not, and never has been, exempt by reason only of such provisions from making a deposit in Northern Ireland in respect of any class of assurance business if, being a registered company, its registered office, or, not being a registered company, its head office, was situate at the appointed day in any part of Ireland other than Northern Ireland.

(3) In this section the expression " the appointed day " means the first day of January, nineteen hundred and twenty-two.

Digitized by Google

A.D. 1924

Provisions as to deposit and laying before Parliament of documents.

2.—(1) Where an assurance company carrying on business both in Great Britain and in Northern Ireland is required by any provisions of the Act of 1909 to deposit with the Board of Trade and with the Ministry accounts, balance sheets, abstracts, statements or other documents, it shall be a sufficient compliance on the part of the company with those provisions, as they apply in Northern Ireland, to furnish to the Ministry copies of the said documents as deposited with, and accepted by, the Board of Trade.

(2) Section twenty-seven of the Act of 1909 shall not be construed so as to require the Ministry to lay before Parliament, in relation to an assurance company to which sub-section (1) of this section applies, any documents other than the copies of documents mentioned in that sub-section, or any of those copies which, in the opinion of the Ministry, do not mainly relate to the business carried on by the company in Northern Ireland.

Short title and construction.

3. This Act may be cited as the Assurance Companies Act (Northern Ireland), 1924, and shall be construed as one with the Act of 1909 as it applies in Northern Ireland, and the Act of 1909 and this Act may accordingly be cited together as the Assurance Companies Acts (Northern Ireland), 1909 and 1924.

CHAPTER 21.

An Act to consolidate and amend the law in Northern Ireland relating to Industrial Assurance, and to make provision therein with respect to assurances on children's lives, war bond policies and policies to which the Courts (Emergency Powers) Act, 1914, applies, and bond investment business. [7th November, 1924.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Digitized by Google

A.D. 1924.

Industrial Assurance Business.

Industrial assurance business. 9 Edw. 7. c. 49.

1.—(1) Industrial assurance business shall not be carried on in Northern Ireland except by a friendly society registered in Great Britain or Northern Ireland or by an assurance company within the meaning of the Assurance Companies Act, 1909, which is registered in Great Britain or Northern Ireland under the Companies Acts, or the Industrial and Provident Societies Acts, 1893 to 1913, or incorporated by special Act, and a friendly society so registered which carries on such business is in this Act referred to as a collecting society and an assurance company which carries on such business is in this Act referred to as an industrial assurance company:

Provided that, where an industrial assurance company carries on both industrial assurance business and other business, nothing in this Act shall, save as otherwise expressly provided, apply to any of the business of the company other than the industrial assurance business.

(2) For the purposes of this Act, "industrial assurance business" means the business of effecting assurances upon human life premiums in respect of which are received by means of collectors:

Provided that such business shall not include—

(*a*) assurances the premiums in respect of which are payable at intervals of two months or more;

(*b*) assurances effected whether before or after the passing of this Act by a society or company established before the date of the passing of this Act which at that date had no assurances outstanding the premiums on which were payable at intervals of less than one month so long as the society or company continues not to effect any such assurances;

(*c*) assurances effected before the passing of this Act, premiums in respect of which are payable at intervals of one month or upwards, and which have up to the commencement of this Act been treated as part of the business transacted by a branch other than the industrial branch of the society or company;

(*d*) assurances for twenty-five pounds or upwards effected after the passing of this Act, premiums

Digitized by Google

A.D. 1924.

in respect of which are payable at intervals of one month or upwards, and which are treated as part of the business transacted by a branch other than the industrial branch of the society or company, in cases where the Commissioner hereinafter mentioned certifies that the terms and conditions of such assurances are on the whole not less favourable to the assured than those imposed by this Act.

(3) When a society or company has ceased to effect industrial assurances, it shall, so long as it continues liable on the assurances previously effected, be deemed to carry on industrial assurance business.

Industrial Assurance Commissioner for Northern Ireland.

2.—(1) The officer from time to time appointed by the Minister of Commerce for Northern Ireland, in pursuance of the Ministries of Northern Ireland Act, 1921 [N.I.], to exercise and perform in Northern Ireland the powers and duties of Registrar of Friendly Societies shall be the authority charged with such powers and duties in relation to industrial assurance as are conferred and imposed upon him by this Act, and in that capacity, and in the exercise and performance of the powers and duties of Registrar of Friendly Societies under the Friendly Societies Acts, 1896 and 1908, in relation to collecting societies, that officer shall, as from the passing of this Act, be known as and styled the Industrial Assurance Commissioner for Northern Ireland, and is in this Act referred to as the Commissioner; and anything which under the Friendly Societies Acts, 1896 and 1908, is authorised or required to be done by, to or before the Registrar, shall, where the society is a collecting society, be done by, to or before the Commissioner.

(2) Anything which under this Act is required or authorised to be done by, to or before the Commissioner may be done by, to or before such person as he may appoint, with the approval of the said Minister of Commerce, for the purpose.

(3) For the purpose of making any arrangements under section sixty-three of the Government of Ireland Act, 1920, for the exercise and performance on behalf of the Commissioner of any of his powers and duties by officers of a department of the Government of the United Kingdom, those powers and duties shall be deemed to be

Digitized by Google

A.D 1924.

powers and duties of the Ministry of Commerce for Northern Ireland (in this Act referred to as "the Ministry of Commerce.").

Purposes for which policies may be issued.

3. Amongst the purposes for which collecting societies and industrial assurance companies may issue policies of assurance there shall be included insuring money to be paid for the funeral expenses of a parent, child, grandparent, grandchild, brother, or sister, and the issuing of such policies shall be treated as part of the industrial assurance business of the society or company.

Assurances on children's lives.

4.—(1) The provisions of sections sixty-two and sixty-four to sixty-seven of the Friendly Societies Act, 1896 (as amended by the provisions hereinafter in this section contained), relating to payments on the death of children shall extend to industrial assurance companies as if those provisions were herein re-enacted, and in terms made applicable to industrial assurance companies.

(2) Section sixty-two of the Friendly Societies Act, 1896, both as originally enacted and as applied to trade unions and industrial assurance companies, shall have effect as if for that section the following section were substituted:

"A society or branch, whether registered or unregistered, shall not insure or pay on the death of a child under the ages hereinafter specified any sum of money which exceeds or which, when added to any amount payable on the death of that child by any other society or branch or by any trade union or industrial assurance company exceeds, the amounts hereinafter specified; that is to say:—

(*a*) In the case of a child under three years of age, six pounds;

(*b*) In the case of a child under six years of age, ten pounds;

(*c*) In the case of a child under ten years of age, fifteen pounds."

(3) Section sixty-five of the Friendly Societies Act, 1896, shall have effect as if for the words "five years" there were substituted the words "three years," and as if for the words "ten years" there were substituted the words "six years," and as if at the end of sub-section (1) thereof there were inserted the words "or for the payment

Digitized by Google

"in the whole of a sum exceeding fifteen pounds on the "death of a child under ten years."

(4) A collecting society or an industrial assurance company shall not pay any sum on the death of a child under ten years of age except to the person who took out the policy on the life of the child, being the parent, grandparent, brother or sister of the child, or to the personal representative of that person, nor except upon production by the person claiming payment of a certificate of death issued by the registrar of deaths, or other person having the care of the register of deaths, containing the particulars mentioned in section sixty-four of the Friendly Societies Act, 1896:

Provided that, where there is no personal representative of the person who took out the policy, the payment may be made to such one of the next of kin of that person as proves that he has defrayed, or undertakes to defray, the funeral expenses of the child.

(5) The provisions of this section shall extend to assurances by industrial assurance companies premiums in respect of which are payable at intervals of two months or more.

(6) Section sixty-three of the Friendly Societies Act, 1896, shall cease to apply to collecting societies.

(7) This section shall come into force on the passing of this Act.

Prohibition on issue of illegal policies.

5.—(1) Any collecting society or industrial assurance company which issues policies of industrial assurance which are illegal or are not within the legal powers of the society or company shall be held to have made default in complying with the provisions of this Act, and, where any such policy has been issued, the society or company shall, without prejudice to any other penalty, be liable to pay to the owner of the policy a sum equal to the surrender value of the policy (to be ascertained in manner hereinafter provided), or, if the policy was issued after the commencement of this Act, a sum equal to the amount of the premiums paid, unless it is proved that owing to any false representation on the part of the proposer, the society or company did not know that the policy was illegal or beyond their legal powers.

(2) No collector of, or person employed by, a society or company shall knowingly assist in effecting a policy

Digitized by Google

A.D. 1924.

of industrial assurance which is illegal or not within the legal powers of the society or company.

Special Provisions as to Collecting Societies.

Name of collecting societies.

6. In the case of any collecting society registered after the thirty-first day of December, eighteen hundred and ninety-five, or of a society which becomes a collecting society after the passing of this Act, the last words in the name of the society shall be "collecting society," and the society shall use its registered name on all documents issued by it and no other name.

Deposits by collecting societies.

7.—(1) A collecting society shall be under the like obligation to deposit and keep deposited in Northern Ireland the sum of twenty thousand pounds as an industrial assurance company, and section two of the Assurance Companies Act, 1909, as applied by this Act to industrial assurance companies, shall apply accordingly, subject in its application to collecting societies to the following modifications:—

(*a*) Sub-section (3) shall not apply:

(*b*) In the case of a society registered and carrying on industrial assurance business at the passing of this Act, the deposit shall be made before the commencement of this Act; but in any particular case the Ministry of Commerce shall, if satisfied, after consultation with the Commissioner, as to the financial position of the society at the time of the passing of this Act, postpone the time for making the deposit to some time within five years after the commencement of this Act, and shall, on the application of the society from time to time, further postpone the time for making the deposit if the Ministry is still satisfied as to the financial position of the society, but not for more than five years at any one time:

(*c*) In the case of a society commencing to carry on industrial assurance business after the passing of this Act, the deposit shall be made before the society commences to carry on such business:

(*d*) In the case of a society applying after the passing of this Act for registry under the Friendly Societies Act, 1896, or for the registry of

Digitized by Google

amendments of its rules, if the proposed rules of the society or the proposed amendments are such as will enable the society to carry on industrial assurance business, the Commissioner shall not issue to the society an acknowledgment of registry of the society or of amendment of rules, as the case may be, until the deposit has been made:

(*e*) A society shall not be required to make a deposit in respect of any business other than industrial assurance business, but, subject as aforesaid, sub-section (4) of the said section shall apply.

(*f*) A society registered and carrying on industrial assurance business at the passing of this Act, which proves to the satisfaction of the Ministry of Commerce that it has made a deposit in Great Britain under the Industrial Assurance Act, 1923, shall not be required to make a separate deposit in respect of industrial assurance business in Northern Ireland so long as the society maintains the deposit made in Great Britain; and a society registered and commencing to carry on industrial assurance business in Great Britain after the passing of this Act shall not be required to make a separate deposit in respect of industrial assurance business in Northern Ireland, if under the enactments in force for the time being with respect to life assurance business a separate deposit would not be required to be made in Northern Ireland by a company commencing in like circumstances to carry on life assurance business in Northern Ireland.

13 & 14 Geo. 5, c. 3

(2) If a society feel aggrieved at a refusal of the Ministry of Commerce to allow further time for making a deposit under paragraph (*b*) of sub-section (1) of this section, the society may, with the leave of the court, appeal to the High Court.

(3) If the Commissioner is satisfied that a collecting society has made default in complying with the provisions of this section, the Commissioner may award that the society be dissolved and its affairs wound up.

Digitized by Google

A.D. 1924.

(4) This section, so far as it relates to a society commencing to carry on industrial assurance business or applying for registration or for registration of an amendment of rules enabling it to carry on industrial assurance business after the passing of this Act, shall come into operation on the passing of this Act.

(5) Where the rules of a collecting society (hereinafter in this sub-section referred to as a subsidiary society), whether registered before or after the passing of this Act, provide that the management of that society shall be vested in the committee of management of some other friendly society (hereinafter in this sub-section referred to as the principal society) which was registered before the fourth day of August, nineteen hundred and twenty-one, then—

(*a*) the principal society may make on behalf of the subsidiary society the deposit required to be made by this section and may apply any of its funds for that purpose, and in that case the interest on the deposit, or the securities in which the deposit is for the time being invested, shall be pa d to the principal society and not to the subsidiary society ; or

(*b*) the principal society may guarantee the liabilities of the industrial assurance fund of the subsidiary society to the extent of twenty thousand pounds in such manner and subject to such amendment of rules as the Commissioner may require, and the principal society may amend its rules accordingly ; and if the Commissioner is satisfied with such guarantee the guarantee may be accepted in lieu of the deposit required by this section.

Where the principal society is a society with branches, the rules of the society may provide for the central body of the society borrowing from the branches and the branches lending to the central body funds required for making such a deposit as aforesaid.

Provisions to be contained in rules.

8.—(1) The rules of a collecting society shall provide—

(*a*) for a separate account being kept of all receipts in respect of the industrial assurance business transacted by the society, and for those receipts

Digitized by Google

being carried to and forming a separate fund under the name of the industrial assurance fund; but nothing in this provision shall be construed as requiring the investments of the industrial assurance fund to be kept separate from the other investments of the society;

(*b*) for the industrial assurance fund being as absolutely the security of the owners of the industrial assurance policies as though it belonged to a society carrying on no business other than industrial assurance business, and not being liable for any contracts of the society for which it would not have been liable had the business of the society been only that of industrial assurance, and not being applied directly or indirectly for any purposes other than those of the industrial assurance business of the society, so however as not to affect the liability of that fund to the prejudice of persons interested in contracts entered into by the society before the twentieth day of May, nineteen hundred and twenty-four;

(*c*) for separate valuations being made of the industrial assurance business of the society.

(2) Save as otherwise provided by the rules of a collecting society, being rules registered before the fourth day of August, nineteen hundred and twenty-one—

(*a*) the rules of a collecting society shall contain the tables in accordance with which policies of industrial assurance are issued by the society; and

(*b*) no policy shall be issued by a collecting society otherwise than in accordance with the rules of the society and with the tables for the time being in force as set forth in those rules.

(3) Such of the provisions of this Act as are mentioned in the First Schedule to this Act shall be set forth in the rules of every collecting society.

Obligation to deliver policies and copies of rules.

9.—(1) A collecting society shall deliver free of charge to every person on his becoming a member of or insuring with the society a printed policy signed by two of the committee of management and by the secretary,

Digitized by Google

A.D. 1924.

together with a copy of the rules of the society in force at the time:

Provided that—

(*a*) in the case of a family enrolled in one book or card, one family policy and one copy of the rules shall be sufficient;

(*b*) if the rules of the society in force at the time of the issue of the policy are printed in easily legible type on the policy, it shall not be necessary to deliver a copy of the rules in addition to the policy.

(2) A collecting society shall also supply to any such person at his request free of charge a copy of any subsequent amendment of the rules of the society.

(3) A collecting society shall also deliver to any member or other person on demand and on payment of a sum not exceeding one shilling, a copy of the rules of the society in force at the time.

Exemptions, total and partial.

10.—(1) The Commissioner may, on the application of a society registered or applying for registry, grant to the society a certificate of exemption from all or any of the provisions of this Act, in any case where he is satisfied that the society does not or will not carry on the business of effecting assurances upon human life, premiums in respect of which are received by means of collectors at a greater distance than ten miles from the registered office of the society, and where he is of opinion that the society is not one to which those provisions ought to apply.

(2) A certificate of exemption under this section shall be granted subject to the condition that the society will not employ collectors to receive premiums on policies issued by the society at a greater distance than ten miles from the registered office of the society, and, if in the case of any society to which a certificate of exemption has been so granted, the said condition is at any time not complied with, the society and any collector so employed shall be deemed to have contravened the provisions of this Act, and this Act shall be deemed as from the date of such non-compliance to have applied to the society as if no such certificate of exemption had been granted to it.

Digitized by Google

A.D. 1924.

(3) The certificate shall be subject to revocation by the Commissioner, but shall remain in force until so revoked, and until notice of the revocation has been advertised in the Belfast Gazette and in some newspaper in general circulation in the neighbourhood of the registered office of the society, and also transmitted by registered letter to the society.

(4) Where at the commencement of this Act there is in force a certificate of exemption issued under section eleven of the Collecting Societies and Industrial Assurance Companies Act, 1896, or the corresponding provision of any Act repealed by that Act, the certificate shall, after the commencement of this Act, continue in force until revoked by the Commissioner and have effect as if it were a certificate issued under this section exempting the society from all the provisions of this Act.

59 & 60 Vict. c. 26.

Special provision as to juvenile societies.

11.—(1) Where a juvenile society within the meaning of this section established before the passing of this Act has been accustomed to receive contributions from its members by means of collectors, the provisions of this Act shall not apply to the society before the first day of January, nineteen hundred and twenty-five, and, if any such society is or has before that date become registered, the Commissioner may, if he considers that the society is one to which the provisions of this Act ought not to apply, grant to the society a certificate of exemption from the provisions of this Act subject to the like power of revocation as in the case of certificates of exemption granted under the last preceding section.

(2) For the purposes of this section, "juvenile society" means a friendly society or branch thereof, whether registered or unregistered, admission to membership whereof is by its rules limited to persons under eighteen years of age, and which satisfies the Commissioner that it is established for the purpose of recruiting members for another friendly society or for the society of which it is a branch.

Special Provisions as to Industrial Assurance Companies.

Application of Act of 1909 to industrial assurance companies.

12.—(1) Industrial assurance business shall, for the purposes of the Assurance Companies Act, 1909, be treated as a separate class of assurance business, and accordingly a separate deposit shall be made in respect of

Digitized by Google

A.D. 1924.

that business as required by section two of that Act: Provided that—

(i) a company, which proves to the satisfaction of the Ministry of Commerce that it has before the passing of this Act made a deposit in respect of industrial assurance business in Great Britain, shall not be required to make a separate deposit in respect of industrial assurance business in Northern Ireland so long as the company maintains the deposit made in Great Britain; and,

(ii) a company which after the passing of this Act is formed and commences to carry on business in Great Britain shall not be required to make a separate deposit in respect of industrial assurance business in Northern Ireland, if under the enactments in force for the time being with respect to life assurance business a separate deposit would not be required to be made in Northern Ireland by a company commencing in like circumstances to carry on life assurance business in Northern Ireland.

(2) In relation to industrial assurance business, anything which under the Assurance Companies Act, 1909, is required or authorised to be done to, by, or with the Ministry of Commerce (except matters arising under section two or section twenty-seven of the said Act) shall or may be done to, by, or with the Commissioner and the provisions of that Act shall have effect accordingly:

Provided that, where the company transacts other business besides that of industrial assurance business, nothing in this sub-section shall affect the powers and duties of the Ministry of Commerce under the said Act in relation to that other class of business; and section seven of the said Act shall apply (subject to the provisions of this section) so as to require any document which relates wholly or partly to industrial assurance business to be sent both to the Commissioner and to the Ministry of Commerce.

(3) In its application to industrial assurance business the Assurance Companies Act, 1909, shall have effect subject to the following modifications:—

(*a*) The provisions relating to life assurance business shall apply also to industrial assurance business

Digitized by Google

with the substitution of references to "industrial assurance business" and "the industrial assurance fund" for references to "life assurance business" and "the life assurance fund"; and for the purposes of the First Schedule to the said Act business transacted in Northern Ireland may, at the discretion of the Ministry of Commerce, be treated as business within the United Kingdom;

(*b*) Where any expenses of management, or interest or dividends from investments, or sums on account of depreciation of securities, are apportioned between the industrial assurance business and any other business transacted by the company the auditor shall include in his report a special report as to the propriety or otherwise of the apportionment:

(*c*) A copy of every report of the auditor of the company shall be furnished to the Commissioner;

(*d*) The Ministry of Commerce may refuse to issue a warrant for a deposit under section two of the said Act if it considers that it is inexpedient that the company should be authorised to carry on industrial assurance business, but in the case of such refusal the company may appeal to the court, and the Ministry of Commerce shall be entitled to appear and be heard on any such appeal;

(*e*) On a petition under section thirteen of the said Act (which relates to the amalgamation of companies and the transfer of business from one company to another) the Commissioner shall be entitled to be heard, and on any such hearing the Commissioner may apply to the court to exercise its powers under paragraph (*b*) of sub-section (3) of that section of directing that the requirements of that paragraph shall be dispensed with or modified;

(*f*) On any such petition, any class of persons (including employees of any company concerned) who allege that they are adversely affected by the amalgamation or transfer, shall be entitled to appear and to be heard;

Digitized by Google

A.D. 1924

(*g*) The independent actuary referred to in paragraph (*b*) of sub-section (3) of the said section thirteen shall be appointed by the President of the Institute of Actuaries or by the President of the Faculty of Actuaries in Scotland on the application of the Commissioner and shall make his report to the Commissioner, by whom copies thereof shall be sent to each company concerned in the amalgamation or transfer, and each such company shall, unless the court otherwise directs, transmit copies thereof to the owner of each policy of the company in manner provided by that section;

(*h*) The said section thirteen shall apply to any transfer from one company to another, howsoever effected, of the liabilities or of any of the liabilities arising in respect of industrial assurance business in like manner as if such transfer were a transfer of the industrial assurance business;

(*i*) Sections seven and twenty-seven of the said Act shall apply to industrial assurance business with the like modifications as may be made in those sections in their application to other assurance business in pursuance of any Act of Parliament or Order of His Majesty in Council passed or made whether before or after the passing of this Act.

Prohibition of charges on industrial assurance fund.

13. An industrial assurance company shall not, after the commencement of this Act, issue any debentures or debenture stock, or raise any loan, charged or purporting to be charged on any assets of the company in which the industrial assurance fund is invested, and any such charge shall be void:

Provided that this section shall not apply to a temporary bank overdraft.

Act to have effect notwithstanding memorandum, articles or special Act.

14. The provisions of this Act shall have effect notwithstanding anything in the memorandum or articles of association or rules or special Act of any industrial assurance company:

Provided that nothing in this Act shall affect the liability of the industrial assurance fund or of the life

Digitized by Google

assurance fund in the case of a company established before the commencement of this Act to the prejudice of persons interested in contracts entered into by the company before that date.

Accounts, Returns, Inspection, Valuations, Meetings.

Balance sheets and audit.

15.—(1) A copy of every balance sheet of a collecting society shall, during the seven days next preceding the meeting at which the balance sheet is to be presented, be kept open by the society for inspection at every office at which the business of the society is carried on, and shall be delivered or sent by post to any member or person interested in the funds of the society, on demand.

(2) The audit of accounts required by section twenty-six of the Friendly Societies Act, 1896, shall, in the case of a collecting society, be made by a public auditor appointed under that Act, and, if such accounts have not been so audited, the provisions of section twenty-seven of that Act requiring an annual return of the receipts, expenditure, funds and effects of the society as audited shall be deemed not to have been complied with.

Annual accounts and returns.

16.—(1) The Commissioner, after considering any representations made by or on behalf of the society or company affected, may, if it appears to him that any account, return, or balance sheet sent by a collecting society or an industrial assurance company in pursuance of the Friendly Societies Act, 1896, or the Assurance Companies Act, 1909, is in any particular incomplete or incorrect, or does not comply with the requirements of the Act applicable to the case, reject the account, return, or balance sheet and give such directions as he thinks necessary for the variation thereof.

(2) Where any direction so given entails a consequential alteration of any account, return, or balance sheet sent by an industrial assurance company to the Ministry of Commerce, it shall be the duty of the company to make such consequential alteration therein.

Inspection.

17.—(1) If, in the case of any collecting society or industrial assurance company, in the opinion of the Commissioner there is reasonable cause to believe that an offence against this Act or against the Friendly Societies Act, 1896, or the Assurance Companies Act, 1909, has

Digitized by Google

A.D. 1924.

been, or is likely to be committed, the Commissioner or any inspector appointed by him, with the approval of the Minister of Commerce for Northern Ireland, for the purpose shall have power to examine into and report on the affairs of the society or company, and for that purpose may exercise in respect of the society or company all or any of the powers given by sub-section (5) of section seventy-six of the Friendly Societies Act, 1896, to an inspector appointed under that section.

(2) On himself holding such an inspection or on receiving the report of an inspector so appointed the Commissioner may issue such directions and take such steps as he considers necessary or proper to deal with the situation disclosed therein and in particular may in the case of a society award that the society be dissolved and its affairs wound up, and in the case of a company may present a petition to the court for the winding up of the company.

(3) The Commissioner may, if he considers it just, direct that all or any of the expenses of and incidental or preliminary to an inspection under this section shall be defrayed out of the funds of the society or company, or by the officers or former officers, or members or former members of the committee of management or board of directors of the society or company, or any of them in such proportions as the Commissioner directs and sums directed by him to be so paid shall be recoverable by him summarily as a civil debt: Provided that any society or company or person directed to pay any part of such expenses may, with the leave of the court, appeal against the direction to the High Court.

(4) This section shall come into operation on the passing of this Act.

Provisions as to valuations.

18.—(1) In the case of a collecting society or industrial assurance company, the following provisions shall have effect with regard to every valuation made as at the thirty-first day of December, nineteen hundred and twenty-four, or any later date:—

(*a*) The valuation shall be made by an actuary as defined by the Assurance Companies Act, 1909, as modified by this Act;

(*b*) The basis of valuation adopted shall be such as to place a proper value upon the liabilities, regard

Digitized by Google

A.D. 1924.

being had to the mortality experience among the persons whose lives have been assured in the society or company, to the average rate of interest from investments and to the expenses of management (including commission), and shall be such as to secure that no policy shall be treated as an asset;

(*c*) The report containing the abstract of the result of the valuation required by section twenty-eight of the Friendly Societies Act, 1896, to be sent shall be sent by a collecting society to the Commissioner within twelve months after the close of the period to which the valuation relates, and shall contain a statement as to how the values of stock exchange securities (if any) included in the balance sheet are arrived at, and a certificate, signed by the same persons as sign the balance sheet, to the effect that in their belief the assets set forth in the balance sheet are in the aggregate fully of the value stated therein less any investment reserve fund taken into account;

(*d*) Where the balance sheet of a society or company includes amongst the assets thereof any sums representing expenses of organisation or extension, or the purchase of business or good will, and the amount of the assets, exclusive of such sums (after deducting debts due by the society or company other than debentures and loans), is less than the amount of the industrial assurance fund, or, as the case may be, of the several assurance and insurance funds as shown in that balance sheet, the amount of the industrial assurance fund shown in the valuation balance sheet shall be reduced by the amount of the deficiency, or, as the case may be, by a sum bearing such proportion to that deficiency as the amount of the industrial assurance fund shown in the first-mentioned balance sheet bears to the aggregate amount of all the assurance and insurance funds so shown:

Provided that this paragraph shall, during a period of eight years from the passing of this Act, apply to societies and companies subject to such relaxations of the stringency of the prov-

Digitized by Google

A.D. 1924.

isions thereof as the Commissioner may think just.

(*e*) Where debentures have been issued or loans raised which are charged on any of the assets of the company in which the industrial assurance fund is invested, there shall be inserted in the valuation balance sheet a note giving the particulars of the charge and stating that the result shown by the valuation is subject to the liability under the charge;

(*f*) The Commissioner, if satisfied on any valuation that any of the foregoing provisions of this section have not been complied with, or that the industrial assurance fund as stated in the valuation balance sheet is greater than the value of the assets available for the liabilities of that fund, due regard being had to the other liabilities of the society or company and to the foregoing provisions of this section, may reject the valuation, and may direct the society or company to make such alteration therein as may be necessary to secure compliance with those provisions:

Provided that the society or company may appeal to the High Court against any decision of the Commissioner under this paragraph;

(*g*) The Commissioner may direct any collecting society or industrial assurance company to furnish to him, in addition to such information as the society is required to furnish under section twenty-eight of the Friendly Societies Act, 1896, or the company is required to furnish under the Assurance Companies Act, 1909, all or any of such particulars as are mentioned in the Second Schedule to this Act, and such explanations as he may consider necessary in order to satisfy himself whether the valuation complies with the provisions of this section.

(2) Notwithstanding anything in section twenty-eight of the Friendly Societies Act, 1896, or section five of the Assurance Companies Act, 1909, the first valuation under this Act shall, in the case of any collecting society and industrial assurance company, be made as at a date not later than the thirty-first day of December, nineteen hundred and twenty-five.

Digitized by Google

(3) If in the case of a collecting society or industrial assurance company a valuation, whether made before or after the passing of this Act, discloses a deficiency, the Commissioner may, if after investigation he is satisfied that the society or company should cease to carry on industrial assurance business, award that the society be dissolved and its affairs wound up, or, in the case of a company, present a petition to the court for the winding-up of the company:

Provided that the Commissioner shall not, during the first five years after the passing of this Act, take action under this sub-section if he is satisfied that substantial measures are being taken to improve the financial condition of the society or company.

General meetings.

19.—(1) At least one general meeting of every collecting society and industrial assurance company shall be held in every year.

(2) Except where the day, hour, and place of an annual or other periodical meeting is fixed by the rules, notice of every general meeting shall either be given by the society or company to the members by advertisement to be published at least twice in two or more of the newspapers in general circulation in every county where the society or company carries on business, or be served upon every member.

(3) The notice shall specify the day, hour, and place, and the objects of the meeting, and, in case any amendment of a rule is intended to be proposed, shall contain a copy of every such amendment.

(4) The society or company shall publish the last of such advertisements, or serve such notice as aforesaid, at least fourteen days before the day appointed for the meeting, and shall, during those fourteen days, keep a copy of the notice in legible characters affixed in some conspicuous place in or outside every office at which the business of the society or company is carried on.

Rights of Owners of Policies.

Provisions as to proposals for policies.

20.—(1) Every proposal for an industrial assurance policy shall, except—

(*a*) where the policy is taken out on the life and on behalf of a child under the age of sixteen; or

Digitized by Google

A.D. 1924.

(*b*) where the policy assures a payment of money for the funeral expenses of parent, child, grandparent, grandchild, brother, or sister; or

(*c*) where the person whose life is to be assured under the policy is a person in whom the proposer has an insurable interest;

contain a declaration by the person whose life is to be assured that the policy is to be taken out by him, and that the premiums thereon are to be paid by him.

Where the person whose life is to be assured under the policy is a person in whom the proposer has an insurable interest, the proposal shall contain a statement of the nature of that interest.

(2) A collecting society or industrial insurance company shall not, nor shall any collector or agent of such a society or company, issue a proposal form or accept a proposal which does not comply with the foregoing provisions of this section.

(3) If the proposal contains a statement that the person whose life is proposed to be assured is not at the time of making the proposal a person on whose life another policy has been issued by the society or company, and a policy is issued in pursuance of the proposal, the society or company shall be liable under the policy, notwithstanding that the statement is not true, and the truth of the statement is made a condition of the policy.

(4) If a proposal form for an industrial assurance policy is filled in wholly or partly by a person employed by the society or company, the society or company shall not, except where a fraudulent statement in some material particular has been made by the proposer, be entitled to question the validity of the policy founded on the proposal on the ground of any misstatement contained in the proposal form:

Provided that—

(*a*) if the proposal form contains a misstatement as to the age of the person whose life is proposed to be assured, the society or company may so adjust the terms of the policy, or of any policy which may be issued in substitution or in lieu thereof, as to make them correspond with the terms which would have been applicable if the correct age of the

Digitized by Google

person had been originally inserted in the proposal;

(*b*) where but for this sub-section the validity of a policy could have been questioned on the ground of any misstatement in the proposal form relating to the state of health of the person upon whose life the assurance is to be taken out at the date of the proposal, nothing in this sub-section shall prevent such a question being raised, if raised within two years from the date of the issue of the policy founded on the proposal.

Forms of policies.

21.—(1) A policy of industrial assurance issued after the commencement of this Act shall set out the provisions of this Act mentioned in the Third Schedule to this Act, such of those provisions as are contained in Part II. of that Schedule being printed in distinctive type, and in the case of a policy on the life of a child under ten years of age shall also set out in distinctive type a statement of the effect of section sixty-two of the Friendly Societies Act, 1896:

Provided that the policy may, if the Commissioner consents, in lieu of setting out the said provisions of this Act, contain a statement which, in the opinion of the Commissioner, sufficiently sets forth the effect of those provisions.

(2) Where a policy of industrial assurance issued after the commencement of this Act does not comply with the provisions of this section, the society or company effecting the insurance shall be guilty of an offence against this Act, and shall, without prejudice to any other liability be liable to pay to the person by whom the premiums have usually been paid a sum equal to the amount of the premiums paid, which sum shall be recoverable summarily as a civil debt.

Return of policies and premium receipt books after inspection.

22. If at any time a collecting society or industrial assurance company, or any person employed by such a society or company, take possession of a policy or premium receipt book or other document issued in connection with a policy, a receipt shall be given, and the policy book or document shall be returned to the owner of the policy within twenty-one days, unless the policy has been

Digitized by Google

A.D. 1924.

terminated by reason of satisfaction of all claims capable of arising thereunder:

Provided that, where possession is taken of a policy, book or document for the purpose of legal proceedings to be taken by the society or company that issued the policy against a collector, it shall be lawful for the society or company to retain the policy, book or document so long as may be necessary for the purposes of those proceedings, but in that case if the policy, book or document is retained for more than twenty-one days, the society or company shall supply to the owner of the policy, a copy thereof certified by the society or company to be a true copy.

Notice before forfeiture.

23.—(1) A forfeiture shall not be incurred by any member or person assured in a collecting society or industrial assurance company by reason of any default in paying any premium until after—

(*a*) notice stating the amount due from him, and informing him that in case of default of payment by him within twenty-eight days and at a place to be specified in the notice his interest or benefit will be forfeited, has been served upon him by or on behalf of the society or company; and

(*b*) default has been made by him in paying any premium in accordance with that notice.

(2) This section shall extend to contracts of assurance effected by a collecting society before the commencement of this Act which are not contracts of industrial assurance within the meaning of this Act.

Provisions as to forfeited policies.

24.—(1) Where notice of the forfeiture of a policy of industrial assurance by reason of default in the payment of any premium thereunder has been served on the owner of the policy, then if the policy—

(*a*) is a policy for the whole term of life or for a term of fifty years or upwards, the person whose life is assured thereunder being a person who is at the time of such default over fifteen years of age, and upon which policy not less than five years' premiums have been paid; or

(*b*) is a policy for a term of twenty-five years or upwards, but less than fifty years, upon which

Digitized by Google

not less than five years' premiums have been paid; or

(c) is a policy for a term of less than twenty-five years upon which not less than three years' premiums have been paid;

the owner of the policy shall, on making application for the purpose to the collecting society or industrial assurance company within one year from the date of the service of the notice, be entitled—

(i) to a free paid-up policy for such amount as is hereinafter mentioned payable upon the happening of the contingency upon the happening of which the amount assured under the original policy would have been payable or of any other contingency not less favourable to the owner of the policy; or

(ii) if the owner of the policy is permanently resident or submits satisfactory proof of his intention to make his permanent residence outside Northern Ireland, Great Britain, the Isle of Man and the Channel Islands, or if the person whose life is assured has disappeared and his existence is in doubt, to the surrender value of the forfeited policy ascertained in manner hereinafter provided.

(2) The amount of a free paid-up policy so issued as aforesaid shall not be less than such as may be determined in accordance with the rules contained in the Fourth Schedule to this Act, and shall be ascertained at the date when the premium following the last premium paid became due:

Provided that the amount of the free paid-up policy shall not exceed the difference between the amount of the forfeited policy (inclusive of any bonus added thereto) and the amount which would be assured by a corresponding policy at the same premium effected on the life of the same person according to the age of that person at his birthday next following the date of forfeiture.

(3) In every premium receipt book issued after the commencement of this Act there shall be printed a notice stating that in the event of the forfeiture, after the seventh day of June, nineteen hundred and twenty-eight, of any policy of industrial assurance by reason of default

Digitized by Google

A.D. 1924.

in the payment of premiums thereunder, the owner of the policy shall, if the policy has been in force a sufficient period as provided by this section, be entitled to a free paid-up policy or, if the conditions mentioned in paragraph (ii) of sub-section (1) of this section are fulfilled, to the surrender value of his policy, and that upon application to the head office of the society or company information as to the amount of such free paid-up policy or surrender value will be supplied, and it shall be the duty of the society or company to supply such information.

(4) Where the rules of a society or the conditions of a policy are such as would confer on the owner of the policy in case of forfeiture rights more favourable to the owner of the policy than those conferred by this section, nothing in this section shall prevent the owner of the policy from claiming under those rules or conditions instead of under this section.

(5) This section shall not apply in the case of a forfeiture occurring before the seventh day of June, nineteen hundred and twenty-eight.

Substitution of policies.

25.—(1) Where the owner of an industrial assurance policy agrees to accept a new policy in substitution therefor, the collecting society or industrial assurance company, shall pay to the owner of the policy the surrender value (to be ascertained in manner herein-after provided) of the old policy or shall issue to him a free paid-up policy of equivalent value, unless the value of the substituted policy, calculated in accordance with the rules set out in the Fourth Schedule to this Act, at the date of the substitution is equal to or exceeds such surrender value.

(2) In any such case the society or company shal furnish to the owner of the policy, with the new policy and new premium receipt book, a statement setting forth the rights of the owner under this section, and containing an account certified by the secretary of the society or company, or other officer appointed for the purpose, showing the surrender value of the old policy and the value of the new policy.

(3) Where a substituted policy is so issued and the value thereof is equal to or exceeds the surrender value of the old policy, then, for the purpose of determining whether the owner is entitled to a free paid-up policy or surrender value under the provisions of this Act relating

Digitized by Google

A.D. 1924.

to forfeited policies, the substituted policy shall be deemed to have been issued at the date at which the old policy was issued, and premiums shall be deemed to have been paid on the substituted policy in respect of the period between that date and the date at which the substituted policy was actually issued.

Transfers from one society or company to another.

26.—(1) A member of or person assured with a collecting society or industrial assurance company shall not, except in the case of—

(*a*) as respects a collecting society, an amalgamation, transfer of engagements or conversion into a company under the Friendly Societies Act, 1896, or this Act; or

(*b*) as respects an industrial assurance company, an amalgamation or transfer of business under the Assurance Companies Act, 1909, or this Act,

be transferred from the society or company in which he was so assured so as to become or be made a member of or be assured with any other such society or company without his written consent, or, in the case of an infant, without the like consent of his parent or other guardian, and any society or company and any collector or other officer of any society or company concerned in such a transfer shall, if the provisions of this section are not complied with, be deemed to have contravened the provisions of this Act.

(2) Such consent as aforesaid shall be in the prescribed form and shall have annexed thereto a document in the prescribed form to be furnished by the society or company to which the transfer is to be made setting out the terms of and rights under the existing policy, and the terms of and rights under the policy to which the assured will become entitled on transfer and the consideration (if any) which has been or is to be paid for the transfer and the person to whom such consideration has been or will be paid.

(3) The society or company to which the assured is sought to be transferred shall furnish to the person by whom such consent as aforesaid is signed a copy of such consent and of the document annexed thereto, and shall, within seven days from the date when such consent is signed, give to the society or company from which the

Digitized by Google

A.D. 1924.

assured is sought to be transferred notice of the proposed transfer containing full particulars of the name and address of the assured and the number of his policy, together with such consent as aforesaid, and the document annexed thereto.

(4) As from the date of the said notice, the society or company from which the person is sought to be transferred shall cease to be under any liability with respect to the policy in question and shall not be required to serve any notice of forfeiture of the policy in accordance with the foregoing provisions of this Act.

Payment of claims

27. Where a claim arising under a policy of industrial assurance is paid, no deductions shall be made on account of any arrears of premiums due under any other policy.

Policies to which 4 & 5 Geo. 5, c. 78 applies.

28.—(1) The Courts (Emergency Powers) Act, 1914, shall cease to be in force so far as it relates to the enforcement of lapses of policies of insurance.

(2) The owner of any policy to which the said Act applied shall be entitled at his option either—

(*a*) on payment at any time before the expiration of six months after the publication of such notice as is hereinafter mentioned of all arrears in premiums then due, to secure the maintenance of the policy; or

(*b*) on making application in writing for the purpose at any time before the expiration of six months after the publication of such notice as aforesaid to have a new policy issued to him of such reduced amount, or, in the case of an endowment assurance policy modified in such manner, as having regard to the amount of the arrears may be determined under regulations made by the Ministry of Commerce to be proper to give effect to the loss occasioned by the non-payment of the arrears.

(3) Every collecting society and industrial assurance company shall, within three months after the passing of this Act, publish in such manner as the Commissioner may approve, notice of the rights under this section of the owners of policies to which the said Act applied.

Digitized by Google

A.D. 1924.

(4) Where the person whose life is assured under any such policy has died before the passing of this Act or within nine months thereafter and the option hereinbefore conferred has not been exercised before his death, the society or company on application being made for the purpose within two years after the passing of this Act shall be liable to pay to the person entitled to receive the sum assured under the policy the amount thereof after deducting the amount of the arrears of premiums due at the date of death.

(5) This section shall come into force on the passing of this Act.

Value of policies.

29.—(1) Where for the purposes of this Act the value of a policy (including an illegal policy and a policy beyond the legal powers of a collecting society or industrial assurance company) has to be ascertained, the value of the policy shall be calculated in accordance with the rules set out in the Fourth Schedule to this Act.

(2) The surrender value of such a policy shall be an amount equal to seventy-five per cent. of the value of the policy so calculated.

War bond policies.

30.—(1) The owner of any war bond policy existing at the passing of this Act shall be entitled to make application to the Commissioner alleging that the conditions of the policy are so unreasonable as to entitle him to claim relief under this section, and the Commissioner shall consider the application, and if he is of opinion, after giving the society or company an opportunity of being heard, that the conditions of the policy are such as to warrant such a course, he shall direct that so far as relates to lapse and surrender, the policy and all other policies (if any) issued by the same society or company which contain the same conditions shall be modified in such manner as having regard to the legitimate interests of the society or company and the other owners of policies appears to him just, and all policies to which the directions relate shall thereupon have effect as so modified:

Provided that any society or company may appeal to the High Court against any decision of the Commissioner under this section.

Digitized by Google

A.D. 1924.

(2) For the purposes of this Act, "war bond policy" means a policy of life assurance, whether an industrial assurance policy or not, where the amount assured is payable in any securities issued in connection with any Government loan raised for the purposes of the war, or in such securities or in cash at the option of the owner of the policy.

(3) This section shall come into operation on the passing of this Act.

Saving for certain policies issued before 3rd December, 1909.

31. No policy effected before the third day of December, nineteen hundred and nine, with a collecting society or an industrial assurance company shall be deemed to be void by reason only that—

(*a*) the person effecting the policy had not, at the time the policy was effected, an insurable interest in the life of the person upon whose life the policy is taken out; or

(*b*) the name of the person interested, or for whose benefit or on whose account the policy was effected, was not inserted in the policy; or

(*c*) the assurance was not one authorised by the Acts relating to friendly societies;

if the policy was effected by, or on account of a person who had at the time a bona fide expectation that he would incur expenses in connection with the death or funeral of the person whose life is insured, and if the sum assured is not unreasonable for the purpose of covering those expenses, and any such policy shall enure for the benefit of the person for whose benefit it was effected or his assigns.

Disputes.

Disputes.

32.—(1) In all disputes between a collecting society or industrial assurance company, and

(*a*) any member or person assured; or

(*b*) any person claiming through a member or person assured, or under or in respect of any policy, or under the rules, or under this Act; or

(*c*) any person aggrieved who has ceased to be a member or any person claiming through such person aggrieved,

Digitized by Google

that member or person may, notwithstanding any provisions of the rules of the society or company to the contrary, apply to the county court, or to a court of summary jurisdiction for the place where that member or person resides, and the court may (but in the case of a court of summary jurisdiction only if the amount of the claim does not exceed twenty-five pounds and not less than fourteen days' notice of the application has been given to the society or company) settle that dispute according to the provisions of the Friendly Societies Act, 1896, and, where a dispute is settled under this section by a court of summary jurisdiction, the court may make such order as to costs as it considers fair and reasonable :

Provided that any such dispute may be referred to the Commissioner—

(*a*) by such collecting society, industrial assurance company, member or person as aforesaid, if the amount of the claim does not exceed fifty pounds and the legality of the policy is not questioned, and fraud or misrepresentation is not alleged ; and

(*b*) in any case, by both parties, without restriction as to the amount of claim or the nature of the question to be decided ;

and, where a dispute is so referred, the Commissioner may deal with the dispute as if it were a dispute referred to him under the provisions of section sixty-eight of the Friendly Societies Act, 1896, and the consent of the Ministry of Commerce to his dealing therewith had been given.

(2) In any case where a doubt arises as to the continued existence of the person on whose life a policy of industrial assurance was taken out, the Commissioner may, on the application of the owner of the policy or of the society or company which issued the policy, award that the society or company shall pay to the owner of the policy the surrender value thereof at the time of the award, and the award shall be a discharge for all claims by or against the society or company in connection with the policy.

Provisions as to Collectors, &c.

Disabilities of collectors, &c.

33.—(1) A collector of a collecting society or industrial assurance company shall not be a member of the

Digitized by Google

A.D. 1924.

committee of management, or in the case of a company of the board of directors, or hold any other office in the society or company except that of superintending collectors within a specified area.

(2) A collector or superintendent shall not be present at any meeting of the society or company.

Restriction on employment of persons to procure new business.

34.—(1) A collecting society or industrial assurance company shall not, nor shall any person employed by such a society or company, employ any person not being a person in the regular employment of the society or company to procure or endeavour to procure any person to enter into a contract of industrial assurance, and no person not regularly in the employment of such a society or company shall procure or endeavour to procure any person to enter into such a contract.

(2) For the purposes of this section, references to regular employment shall include regular part-time as well as regular whole-time employment.

Notification of appointments of secretary and members of committee of management.

35.—(1) Every collecting society registered before the passing of this Act shall, within one month after the passing of this Act, and every collecting society registered after the passing of this Act or society which becomes a collecting society after the passing of this Act shall, within one month of the date when it is so registered or so becomes a collecting society, send to the Commissioner in such form as he may direct, the names of its secretary and of the members of its committee of management, and every such society shall, within fourteen days after the appointment of a new secretary or a new member of the committee of management, send to the Commissioner in such form as he may direct the name of the person so appointed, together with such particulars in each case as he may require.

(2) This section shall come into operation on the passing of this Act.

Amalgamations, Transfers and Conversions.

Transfer of engagements of collecting societies.

36.—(1) Section seventy of the Friendly Societies Act, 1896, in its application to an amalgamation and transfer of engagements of collecting societies shall have effect subject to the following modifications:—

Digitized by Google

(i) Before the assent required by that section is sought to be obtained, there shall, unless the Commissioner otherwise directs, be sent to each member a statement in such form and containing such particulars as the Commissioner may require, of the terms of the amalgamation or transfer, and the consideration proposed to be paid therefor, the manner in which that consideration is to be distributed, and the exact share therein which is to be paid to each person participating in the distribution:

(ii) An amalgamation or transfer shall not become effective unless sanctioned by the Commissioner, and the Commissioner, before sanctioning any such amalgamation or transfer, shall hear any representations made on behalf of any class of persons (including the employees of any society concerned) who allege that they are adversely affected by the amalgamation or transfer, and may require as a condition of his sanction that the terms of the amalgamation or transfer shall be modified in such manner as he may consider just.

(2) The said section as so modified shall apply to the transfer by a collecting society of its engagements to an industrial assurance company as if in sub-section (2) thereof for the words "any other registered society" there were substituted the words "an industrial assurance company"; and section seventy-one of the Friendly Societies Act, 1896, so far as it enables a registered friendly society to amalgamate with or transfer its engagements to a company, shall not apply to a collecting society.

Transfer of business from company to society.

37. The provisions of the Assurance Companies Act, 1909, as amended by this Act relating to the transfer of industrial assurance business or liabilities arising in respect of industrial assurance business from one industrial assurance company to another, shall, with the necessary modifications, apply to the transfer of such business or liabilities from an industrial assurance company to a collecting society.

Conversion of collecting society into company.

38.—(1) Section seventy-one of the Friendly Societies Act, 1896, so far as it relates to the conversion of a society

Digitized by Google

A.D. 1924.

into a company shall, in its application to a collecting society, have effect subject to the following modifications:—

(*a*) A copy of the special resolution shall be sent to the Commissioner;

(*b*) If within one month after the copy of the special resolution is so sent to him the Commissioner gives notice in writing to the society that he objects to the conversion, the conversion shall not be effected without the sanction of the High Court;

(*c*) On the application to the court for such sanction the Commissioner shall be entitled to appear and be heard.

(2) Without prejudice to the powers conferred by section seventy-one of the Friendly Societies Act, 1896, as so amended, the committee of management of a collecting society having more than one hundred thousand members may petition the court to make an order for the conversion of the society into a mutual company under the Companies Acts, 1908 to 1917, and the court may make such an order if, after hearing the Commissioner if he desires to be heard, and the committee of management, and other persons whom the court considers entitled to be heard on the petition, the court is satisfied, on a poll being taken, that fifty-five per cent. at least of the members of the society over sixteen years of age agree to the conversion:

Provided that, before any such petition is presented to the court, notice of intention to present the petition shall be published in the Belfast Gazette, and in such newspapers as the court may direct.

(3) The court may give such directions as it thinks fit for settling a proper memorandum and articles of association of the company.

(4) When a collecting society converts itself into a company in accordance with the provisions of this section, sub-section (3) of section seventy-one of the Friendly Societies Act, 1896, shall apply in like manner as if the conversion were effected under that section.

Offences, Notices, &c.

Offences.

39.—(1) Any collecting society which contravenes or fails to comply with any of the provisions of this

Digitized by Google

A.D. 1924.

Act, or any directions by the Commissioner given thereunder, shall be guilty of an offence under this Act and the provisions of the Friendly Societies Act, 1896, with respect to offences thereunder and to proceedings in respect of such offences shall apply to offences by societies under this Act:

Provided that the maximum penalty which may be inflicted for an offence under this Act shall be a fine not exceeding one hundred pounds or, in the case of a continuing offence, a fine not exceeding fifty pounds a day during which the offence continues.

(2) Any industrial assurance company which contravenes or fails to comply with any of the provisions of this Act, or any directions given by the Commissioner thereunder shall be guilty of an offence under this Act, and a company guilty of such an offence shall be liable to the like penalties, recoverable in the same manner, as in the case of a default in complying with any of the requirements of the Assurance Companies Act, 1909, and section twenty-three of that Act shall apply accordingly.

(3) If any collector of a collecting society or industrial assurance company, or any other person, contravenes or fails to comply with any of the provisions of this Act affecting such collector or other person, he shall be guilty of an offence under this Act and liable on summary conviction to a fine not exceeding fifty pounds.

(4) Where any body of persons not being a collecting society or industrial assurance company as defined by this Act carries on industrial assurance business, any director, manager or secretary or other officer or agent of that body who is knowingly a party to the carrying on of such business shall, unless that body is exempted from the provisions of this Act, be guilty of an offence under this Act and be liable on summary conviction to a fine not exceeding fifty pounds for each day during which the offences continues:

Provided that, where a person is convicted of a second offence under this sub-section, he may be sentenced to imprisonment for a term not exceeding three months.

Any such body of persons as aforesaid shall also, without prejudice to any other penalty, be liable to pay to the owner of any policy of industrial assurance issued by them such sum as an industrial assurance company

Digitized by Google

A.D. 1924.

which has knowingly issued an illegal policy is under this Act liable to pay to the owner of such illegal policy.

(5) Notwithstanding any limitation on the time for the taking of proceedings contained in any Act, summary proceedings for offences under this Act, or for offences under the Friendly Societies Act, 1896, where the society by or in respect of which, or the person by or in respect of whom, the offence is alleged to have been committed is a collecting society or an officer of such a society, may be commenced at any time within one year of the first discovery thereof by the Commissioner, but not in any case after more than three years from the commission of the offence.

(6) The court by which a fine is imposed in pursuance of this Act may direct that the whole or any part thereof shall be applied in or towards the payment of the costs of the proceedings and subject to any such direction and, subject to section four of the Criminal Justice Administration Act, 1914, all such fines shall, notwithstanding anything in any other Act, be paid into the Exchequer of Northern Ireland.

4 & 5 Geo. 5 c. 58.

Penalties for falsification.

40. If any person wilfully makes, orders, or allows to be made any entry or erasure in, or omission from a collecting book or premium receipt book, with intent to falsify that book, or to evade any of the provisions of this Act, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both such imprisonment and fine.

Notices.

41. Where any notice is required by this Act to be served upon any member or other person, the notice shall be in writing, and either delivered or sent by post to him, or, in the case of a notice of default, so delivered or sent or left at his last known place of abode.

Bond Investment Business.

Amendment of law relating to bond investment business.

42.—(1) Bond investment business shall, for the purposes of the Assurance Companies Act, 1909, include cases where the subscriptions are payable at periodical intervals of over two months but less than six months, except where such business is sinking fund or capital redemption insurance business, and accordingly for para-

Digitized by Google

graph (*e*) of section one of that Act the following paragraph shall be substituted:— A.D. 1924.

"(*e*) Bond investment business, that is to say, the business of issuing bonds or endowment certificates by which the company in return for subscriptions payable at periodical intervals of less than six months contract to pay the bond-holder a sum at some future date, and not being life assurance as hereinbefore defined, or sinking fund or capital redemption insurance business."

(2) Where in return for subscriptions payable at periodical intervals of less than six months a person or body of persons corporate or unincorporate (not being registered or certified under the Acts relating to friendly societies, building societies, or trade unions) undertake, by prospectus or otherwise, to pay to the subscriber at a future date the amount of the subscriptions with interest thereon (with or without a right on the part of the subscriber to the return of his subscriptions in the meantime), such business shall, for the purposes of the Assurance Companies Act, 1909, be treated as bond investment business, and the card, book, or other document in which receipts of subscriptions are entered shall be treated as the instrument evidencing the contract, and the subscriber shall be treated as the owner of the policy, subject however to such modifications of the provisions of the Fourth, Fifth, and Sixth Schedules to that Act as may be prescribed by the Ministry of Commerce for the purpose of adapting to such business as aforesaid the provisions of those schedules relating to bond investment business.

General.

Regulations of Ministry of Commerce.

43.—(1) The Ministry of Commerce may make regulations for prescribing anything which under this Act is to be prescribed and (subject to the approval of the Ministry of Finance for Northern Ireland) for imposing fees, and generally for carrying this Act into effect.

(2) All regulations made under this section shall be laid before both Houses of Parliament as soon as may be after they are made, and, if an address is presented to the Governor of Northern Ireland by either of those Houses within ten days on which that House has sat next

Digitized by Google

A.D. 1924.

after any such regulations are laid before it, praying that the regulations may be annulled, the said Governor may thereupon by Order in Council annul the same, and the regulations so annulled shall forthwith become void, but without prejudice to the validity of anything which in the meantime may have been done thereunder or to the making of new regulations.

Reports of Commissioner.

44. The Commissioner in every year shall make a report to the Minister of Commerce of his proceedings under this Act, which may contain any comments he may consider desirable to make on the valuations, annual returns, or other documents or matters brought before him under this Act, and any correspondence in relation thereto, and the report shall be laid before Parliament by the said Minister.

Interpretation.

45.—(1) In this Act, unless the context otherwise requires—

The expression "collector" shall include every person howsoever remunerated, who, by himself or by any deputy or substitute, makes house to house visits for the purpose of receiving premiums payable on policies of insurance on human life, or holds any interest in a collecting book and includes such a deputy or substitute as aforesaid:

The expression "premium" includes contribution:

The expression "collecting book" includes any book or document held by a collector in which payments of premiums are recorded:

The expression "premium receipt book" includes any book or document held by the owner of a policy in which acknowledgments of receipts of premiums payable in respect of the policy are entered:

The expression "owner" in relation to any policy means the person who is for the time being the person entitled to receive the sums payable under the policy on maturity, and in the case of an illegal policy or a policy not within the legal powers of the society or company which issued it means the person who would be so entitled were the policy a legal policy or a policy within such powers:

Digitized by Google

The expression "rules" in relation to a company means the memorandum and articles of association of the company:

The expression "the Companies Acts" means the Companies Acts, 1908 to 1917, and any Acts repealed by the Companies (Consolidation) Act, 1908. 8 Edw. 7, c. 69.

Other expressions have the same meaning as in the Friendly Societies Act, 1896.

(2) Where under this Act the Commissioner awards that a collecting society be dissolved and its affairs wound up, the award shall be made in the like manner and have the like consequences as if it were an award made under section eighty of the Friendly Societies Act, 1896, and may direct in what manner the assets are to be divided or appropriated:

Provided that the society may appeal against the award to the High Court.

Short title, construction, commencement, and repeal.

46.—(1) This Act may be cited as the Industrial Assurance Act (Northern Ireland), 1924.

(2) References in this Act to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

(3) This Act, except as otherwise expressly provided, shall come into operation on the first day of January, nineteen hundred and twenty-five.

(4) The enactments mentioned in the Fifth Schedule to this Act are hereby repealed as respects Northern Ireland to the extent specified in the third column of that Schedule.

Digitized by Google

A.D. 1924.

SCHEDULES.

Section 8.

FIRST SCHEDULE.

SECTIONS OF ACT TO BE CONTAINED IN THE RULES OF COLLECTING SOCIETIES.

Section 5. Prohibition on issue of illegal policies.
Section 9. Obligation to deliver policies and copies of rules.
Section 15. Balance sheets and audit.
Section 18. Provisions as to valuations.
Section 19. General meetings.
Section 20. Provisions as to proposals for policies.
Section 21. Forms of policies.
Section 22. Return of policies and premium receipt books after inspection.
Section 23. Notice before forfeiture.
Section 24. Provisions as to forfeited policies.
Section 25. Substitution of policies.
Section 26. Transfers from one society or company to another.
Section 27. Payment of claims.
Section 28. Policies to which 4 & 5 Geo. 5. c. 78 applies.
Section 31. Saving for certain policies issued before 3rd December, 1909.
Section 32. Disputes.
Section 34. Restriction on employment of persons to procure new business.
Section 40. Penalties for falsification.
Section 41. Notices.

SECOND SCHEDULE.

Section 18.

ADDITIONAL PARTICULARS AS TO VALUATIONS.

1. An analysis as near as may be of the premium income of each of the five years preceding the valuation date into income arising from

(*a*) policies which were not of more than one year's duration at the date such income arose; and

(*b*) policies which were of more than one year's duration at the date such income arose.

Note: This analysis to be given separately for policies with weekly premiums and for policies with premiums payable at longer intervals than one week.

Digitized by Google

2. The amount, if any, by which the value of the Office Yearly Premiums as shown in respect of each item in the Form referred to under Heading No. 7 in the Fourth Schedule (A) to the Assurance Companies Act, 1909, has been reduced in order to secure that no policy shall be treated as an asset.

3. If the proportion of the annual premium income reserved as a provision for future expenses and profits as stated in answer to question 5 of the Fourth Schedule (A) to the Assurance Companies Act, 1909, is not uniform for all policies of the same class, specimens of the proportion so reserved in respect of policies effected at such ages and having been in force for such periods as the Commissioner may select.

4. Specimen values of the net liabilities under policies (exclusive of any bonuses added) according to the basis of valuation adopted, in respect of each of the principal classes of assurances for policies effected at such ages and of such durations as the Commissioner may select.

5. A statement of the actual number of deaths at ages over ten years in the five years preceding the valuation date under policies for the whole term of life in comparison with the number of deaths which would have occurred if the mortality experience had been in exact agreement with the table of mortality employed for the purpose of the valuation, to be given separately for decennial groups of ages.

THIRD SCHEDULE.

PROVISIONS OF ACT TO BE SET OUT IN POLICIES. Section 21.

PART I.

Section 20(4).	Provisions as to proposals for policies.
Section 22.	Return of policies and premium receipt books after inspection.
Section 23.	Notice before forfeiture.
Section 24.	Provisions as to forfeited policies.
Section 25.	Substitution of policies.
Section 26.	Transfers from one society or company to another.
Section 27.	Payment of claims.
Section 32.	Disputes.
Section 41.	Notices.

PART II.

Section 23.	Notice before forfeiture.
Section 24.	Provisions as to forfeited policies.
Section 41.	Notices.

Digitized by Google

A.D. 1924.

FOURTH SCHEDULE.

Sections 24, 25, 29.

RULES FOR VALUING POLICIES.

1. The value of the policy is to be the difference between the present value of the reversion in the sum assured according to the contingency upon which it is payable, including any bonus added thereto, and the present value of the future net premiums.

2. The net premium is to be such premium as according to the assumed rate of interest and rate of mortality and the age of the person whose life is assured at his birthday next following the date of the policy is sufficient to provide for the risk incurred by the company or society in issuing the policy, exclusive of any addition thereto for office expenses and other charges :

Provided that—

(*a*) In the case of a policy other than a policy for the whole term of life issued before the person whose life is assured attained the age of ten years, the date of the policy may be assumed to be one year after the actual date, and, if it is so assumed, the term of the policy may be assumed to be one year less than the actual term :

(*b*) In the case of a policy for the whole term of life issued before the person whose life is assured attained the age of ten years, no account shall be taken of any period for which the policy was in force before the anniversary of the date of the issue of the policy next preceding the date on which the age of eleven years was attained :

(*c*) In the case of a substituted policy, the net premium shall be calculated with reference to such sum as, according to the practice of the society or company for the time being, would have been assured by the premiums payable if the person upon whose life the substituted policy is issued had not been assured with the society or company before the issue of that policy.

RULE FOR ASCERTAINING THE AMOUNT OF A FREE PAID-UP POLICY.

The amount of a free paid-up policy is to be a sum bearing the same proportion to seventy-five per cent. of the value of the policy as the sum of one pound bears to the value of the reversion in the sum of one pound according to the contingency upon which the sum assured under the original policy was payable.

GENERAL RULES APPLICABLE BOTH FOR VALUING POLICIES AND FOR ASCERTAINING THE AMOUNT OF A FREE PAID-UP POLICY.

1. Interest is to be assumed at the rate of four per centum per annum.

Digitized by Google

A.D. 1924.

2. The rate of mortality is to be assumed according to the table contained in the Sixth column of Table G in the Supplement to the Sixty-fifth Annual Report of the Registrar-General of Births, Deaths and Marriages in England and Wales—Part I.

3. The age of the person whose life is assured shall be obtained by adding to the age attained by him at his birthday next after the date of the issue of the policy, the duration of the policy in completed years at the date as at which the value of the policy is required to be ascertained.

4. In the case of a policy issued for a term other than the whole term of life, the remaining term at the date at which the value of the policy is required to be ascertained shall be obtained by deducting from the original term of the policy the duration of the policy in completed years at that date.

FIFTH SCHEDULE.

ENACTMENTS REPEALED.

Section 46.

Session and Chapter	Short Title	Extent of Repeal
59 & 60 Vict. c. 26.	The Collecting Societies and Industrial Assurance Companies Act, 1896.	The whole Act.
9 Edw. 7 c. 49.	The Assurance Companies Act, 1909.	Section thirty-six.
13 & 14 Geo. 5 c. 25 Northern Ireland).	The Expiring Laws Continuance Act (Northern Ireland), 1923.	So far as it continues the provisions of the Courts (Emergency Powers) Act, 1914, relating to policies of insurance.

Digitized by Google

A.D. 1924.

CHAPTER 22.

An Act to remove doubts as to the application of the Deceased Brother's Widow's Marriage Act, 1921, to Northern Ireland.

[7th November, 1924.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Application of 11 & 12 Geo. 5. c. 24., to Northern Ireland.

1. It is hereby declared that the Deceased Brother's Widow's Marriage Act, 1921, applies to Northern Ireland, and the said Act shall be deemed to have applied to Northern Ireland as from the passing thereof :

Provided that in case, on or after the twenty-eighth day of July, nineteen hundred and twenty-one and before the passing of this Act, a marriage contracted between a man and his deceased brother's widow shall have been annulled, or either party to such marriage shall have contracted a further marriage during the lifetime of the other party which would have been lawful except for such former marriage, such former marriage shall be deemed to have become and to be void upon and after the day upon which it was so annulled, or upon which either party thereto contracted a further marriage as aforesaid, and the validity of such further marriage shall not be affected by such former marriage.

Short title.

2. This Act may be cited as the Deceased Brother's Widow's Marriage Act (Northern Ireland), 1924 ; and the Deceased Wife's Sister's Marriage Act, 1907, the Deceased Brother's Widow's Marriage Act, 1921 and this Act may be cited together as the Marriage (Prohibited Degrees of Relationship) Acts (Northern Ireland), 1907 to 1924.

7 Edw. 7. c. 47.

Digitized by Google

CHAPTER 23.

A.D. 1924

An Act to continue certain Expiring Laws as respects Northern Ireland.

[7th November, 1924].

WHEREAS the Acts (whether passed by the Parliament of the United Kingdom or by the Parliament of Northern Ireland) mentioned in the Schedule to this Act are, in so far as they are in force in Northern Ireland and are temporary in their duration, limited to expire on the several dates specified in the several Parts of the said Schedule in connection with such Acts respectively:

And whereas it is expedient to provide for the continuance as in this Act mentioned of those Acts, and of the enactments amending or affecting the same:

Be it therefore enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Continuance of Acts in Schedule.

1.—(1) The Acts mentioned in the several Parts of the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued as respects Northern Ireland until the thirty-first day of December, nineteen hundred and twenty-five, and shall then expire unless further continued.

(2) Any unrepealed enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner, whether they are mentioned in the Schedule to this Act or not.

Short title and construction

2.—(1) This Act may be cited as the Expiring Laws Continuance Act (Northern Ireland), 1924.

(2) References in this Act to any enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

(3) Nothing in this Act shall be construed as affecting any enactment in so far as the enactment relates to a matter with respect to which the Parliament of Northern Ireland has not power to make laws.

Digitized by Google

A.D. 1924.

SCHEDULE.

PART I.

Enactments of the United Kingdom Parliament continued in their Duration.
(Date of Expiry—31st December, 1924.)

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(1) 3 & 4 Vict., c. 91.	The Textile Manufactures (Ireland) Act, 1840.	The whole Act	5 & 6 Vict., c. 68. 7 & 8 Vict., c. 47. 30 & 31 Vict., c. 60.
(2) 33 & 34 Vict., c. 112	The Glebe Loan (Ireland) Act, 1870.	The whole Act.	34 & 35 Vict., c. 100. 49 & 50 Vict., c. 6.
(3) 39 & 40 Vict., c. 21.	The Jurors Qualification (Ireland) Act, 1876.	The whole Act.	57 & 58 Vict., c. 49. 61 & 62 Vict., c. 37, s. 69.
(4) 46 & 47 Vict., c. 60.	The Labourers (Ireland) Act, 1883.	The whole Act.	48 & 49 Vict., c. 77. 49 & 50 Vict., c. 59. 54 & 55 Vict., c. 48. 54 & 55 Vict., c. 71. 55 & 56 Vict., c. 7. 59 & 60 Vict., c. 53. 61 & 62 Vict., c. 37. 3 Edw. 7, c. 37. 6 Edw. 7, c. 37. 7 Edw. 7, c. 44. 9 Edw. 7, c. 42. 1 & 2 Geo. 5, c. 19. 4 & 5 Geo. 5, c. 32. 8 & 9 Geo. 5, c. 20. 9 & 10 Geo. 5, c. 55. 13 & 14 Geo. 5 c. 23 (Northern Ireland).

Digitized by Google

A.D. 1924.

SCHEDULE.—(Continued.)

PART I.—(continued).

(Date of Expiry—31st December, 1924).

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(5) 1 & 2 Geo. 5., c. 55.	The National Insurance Act, 1911.	Section forty-two.	3 & 4 Geo. 5, c. 37. 4 & 5 Geo. 5, c. 81. 5 Geo. 5, c. 15. 5 Geo. 5, c. 29. 7 & 8 Geo. 5, c. 15. 7 & 8 Geo. 5, c. 62. 9 & 10 Geo. 5, c. 21. 10 & 11 Geo. 5, c. 10.
(6) 2 Geo. 5., c. 2.	The Coal Mines (Minimum Wage) Act, 1912.	The whole Act	——
(7) 4 & 5 Geo. 5., c. 3.	The Grey Seals Protection Act, 1914.	The whole Act	——
(8) 4 & 5 Geo. 5., c. 78.	The Courts (Emergency Powers) Act, 1914.	So far as it relates to orders made by any court before the thirty-first day of August, nineteen hundred and twenty-two.	5 & 6 Geo. 5, c. 19. 6 & 7 Geo. 5, c. 13. 6 & 7 Geo. 5, c. 18. 7 & 8 Geo. 5, c. 25. 9 & 10 Geo. 5, c. 64. 10 & 11 Geo. 5, c. 5.
(9) 8 & 9 Geo. 5., c. 34.	The Statutory Undertakings (Temporary Increase of Charges) Act, 1918.	The whole Act.	10 & 11 Geo. 5, c. 14.

Digitized by Google

SCHEDULE.—(Continued.)

PART I.—(continued).

(Date of Expiry—31st December, 1924).

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(10) 9 & 10 Geo. 5., c. 45.	The Housing (Ireland) Act, 1919.	Section twenty-one.	11 & 12 Geo. 5, c. 19. 13 & 14 Geo. 5, c. 30 (Northern Ireland).
(11) 10 & 11 Geo. 5., c. 17.	The Increase of Rent and Mortgage Interest (Restrictions) Act, 1920.	The whole Act.	——
(12) 10 & 11 Geo. 5., c. 21.	The Harbours, Docks, and Piers (Temporary Increase of Charges) Act, 1920.	The whole Act.	——
(13) 10 & 11 Geo. 5., c. 57.	The Unemployment (Relief Works) Act, 1920.	The whole Act.	——
(14) 11 & 12 Geo. 5., c. 66.	The National Health Insurance (Prolongation of Insurance) Act 1921.	The whole Act.	——

Digitized by Google

SCHEDULE.—(Continued.) A.D. 1924.

PART II.

Enactments of the United Kingdom Parliament continued in their Duration.

(Date of Expiry—19th May, 1925.)

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
10 & 11 Geo. 5., c. 9.	The Public Utility Companies (Capital Issues) Act, 1920.	The whole Act.	——

PART III.

Enactments of the Parliament of Northern Ireland continued in their Duration.

(Date of Expiry—31st December, 1924.)

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(1) 12 Geo. 5, c. 5.	The Local Government (Emergency Powers) Act, 1921 [N. I.].	The whole Act.	——
(2) 12 & 13 Geo. 5., c. 5.	The Civil Authorities (Special Powers) Act (Northern Ireland), 1922.	The whole Act.	——
(3) 13 Geo. 5., c. 2.	The Inspectors of Weights and Measures Act (Northern Ireland), 1923.	The whole Act.	——

Digitized by Google

SCHEDULE.—(Continued).

PART IV.

Enactments of the Parliament of Northern Ireland continued in their Duration.

(Date of Expiry—15th February, 1925.)

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
13 Geo. 5., c. 1.	The Canals (Continuance of Charging Powers) Act (Northern Ireland), 1923.	The whole Act.	——

CHAPTER 24.

An Act to make provision for the permanent adoption in Northern Ireland of the Time adopted for use in Great Britain.

[7th November, 1924.]

Whereas it is expedient that provision should be made that the time for general purposes in Northern Ireland should at all times be the same as the time for general purposes in Great Britain :

Be it therefore enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Time in Northern Ireland.

1. Any enactment of the Parliament of the United Kingdom or Order of His Majesty in Council passed or made after the passing of this Act and for the time being in force, which makes or continues any provisions with respect to the time for general purposes in Great Britain, shall apply, with respect to the time for general purposes in Northern Ireland, to the extent to which it applies

Digitized by Google

in Great Britain, and during the same periods in any year, and subject to the same limitations, as may be for the time being in force for or with respect to the adoption of such time in Great Britain; and the Time (Ireland) Act, 1916, shall, as respects Northern Ireland, have effect accordingly.

A.D. 1924.

6 & 7 Geo. 5, c. 45.

2. This Act may be cited as the Time Act (Northern Ireland), 1924, and shall be construed as one with the Time (Ireland) Act, 1916, as that Act applies in Northern Ireland, and that Act and this Act may be cited together as the Time Acts (Northern Ireland), 1916 and 1924.

Short title and construction.

CHAPTER 25.

An Act to amend the Unemployment Insurance Acts (Northern Ireland), 1920 to 1924.

[7th November, 1924.

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) Until the thirtieth day of June, nineteen hundred and twenty-six, an insured contributor who is unemployed shall, if and so long as the statutory conditions are fulfilled in his case and he is not disqualified under the Unemployment Insurance Act, 1920 (in this Act referred to as "the principal Act"), for the receipt of unemployment benefit (in this Act referred to as "benefit"), be entitled, subject to the provisions of the Unemployment Insurance Acts (Northern Ireland), 1920 to 1924, and to the provisions contained in Part I. of the First Schedule to this Act (which re-enacts with modifications the provisions of the Second Schedule to the principal Act), to receive such benefit in accordance with the provisions hereinafter contained in this section.

Rights of insured persons to unemployment benefit. 10 & 11 Geo. 5, c. 30.

(2) An applicant for benefit in whose case the requirements of sub-section (1) of this section are fulfilled shall, unless the number of the contributions paid in

Digitized by Google

A.D. 1924.

respect of him since the beginning of the insurance year next before the beginning of the benefit year in which the application for benefit is made is less than twenty, be entitled to receive benefit in the proportion of one week's benefit for every six contributions paid in respect of him and for periods not exceeding in the aggregate twenty-six weeks in a benefit year.

(3) If it appears to the Ministry of Labour for Northern Ireland (in this Act referred to as "the Ministry") that, having regard to all the circumstances of the case, it is expedient in the public interest that a person in whose case the requirements of sub-section (1) of this section are fulfilled should receive benefit, notwithstanding that the number of contributions paid in respect of him within the period mentioned in the last preceding sub-section is less than twenty, or that sufficient contributions are not standing to his credit, or that he has already received benefit for periods amounting in the aggregate to twenty-six weeks in the benefit year in which the application is made, the Ministry may authorise that person to receive benefit, provided that in addition to satisfying the requirements aforesaid he also proves—

(*a*) that he is normally employed in such employment as would make him an employed person within the meaning of the principal Act (in this Act referred to as "insurable employment"), and will normally seek to obtain his livelihood by means of insurable employment;

(*b*) that in normal times insurable employment suited to his capacities would be likely to be available for him;

(*c*) that he has, during the two years immediately preceding the date of the application for benefit, been employed in insurable employment to such an extent as was reasonable, having regard to all the circumstances of the case and in particular to the opportunities for obtaining insurable employment during that period;

(*d*) that he is making every reasonable effort to obtain employment suited to his capacities and is willing to accept such employment.

For the purposes of paragraph (*c*) of this sub-section:

Digitized by Google

A.D. 1924.

(i) in the case of a seaman, marine, soldier or airman in respect of whom a payment is to be made or has been made under section forty-one of the principal Act, service as seaman, marine, soldier or airman; and

(ii) in the case of any person formerly engaged in war service, the undergoing of training for an insurable occupation, where the cost of the training is defrayed out of funds administered by the Minister of Labour of the United Kingdom or by the Minister of Pensions thereof;

shall be treated as employment in insurable employment.

In the foregoing provision the expression "person formerly engaged in war service," has the same meaning as in the Unemployment Insurance Act (Northern Ireland), 1922. 12 & 13 Geo. 5., c. 7.

(4) Notwithstanding that the employment of an insured contributor has terminated, he shall not be deemed to be unemployed within the meaning of this section during a period in respect of which he continues to receive wages or receives any payment by way of compensation for the loss of, and substantially equivalent to, the remuneration which he would have received if the employment had not terminated.

(5) For the purposes of this Act the expression "benefit year" means in relation to any insured contributor the period of twelve months commencing on the date on which that contributor first makes an application for benefit next after the first day of August, nineteen hundred and twenty-four, and every subsequent period of twelve months commencing on the date on which that contributor first makes an application for benefit next after the termination of his last preceding benefit year:

Provided that, if on the first day of August, nineteen hundred and twenty-four, any insured contributor was continuously unemployed, the benefit year current on that date shall, unless the Ministry otherwise directs, continue in relation to him until the date on which the period of continuous unemployment ceases, but not in any case beyond the fifteenth day of October, nineteen hundred and twenty-four.

Digitized by Google

A.D. 1924.

Rates of unemployment benefit.

2.—(1) As from the commencement of this Act benefit shall be at the weekly rates set out in Part II. of the First Schedule to this Act.

(2) Section one of the Unemployment Insurance Act (Northern Ireland), 1922, (which provides that the weekly rate of benefit authorised by the Unemployment Insurance Acts, 1920 and 1921, shall be increased in respect of certain dependants), shall apply to the weekly rate of benefit authorised by this section as it applies to the weekly rate of benefit authorised by the said Acts, subject to the following modifications, namely, that the increase—

(*a*) shall be allowed in the case of an unmarried person (not being a person entitled to an increase under the said section otherwise than in respect of his dependent children) who has living with him and is wholly or mainly maintaining his widowed mother;

(*b*) shall be allowed in the case of a widow or an unmarried woman who has residing with her any female person for the purpose of having the care of her dependent children and is maintaining that person; and

(*c*) in respect of a child shall be two shillings instead of one shilling.

Amendment as to statutory conditions.

3.—(1) Section seven of the principal Act (which prescribes the statutory conditions for the receipt of benefit) shall be amended as follows:—

(*a*) The following paragraphs shall be substituted respectively for paragraphs (i), (iii) and (iv) of sub-section (1):—

"(i) that he proves that not less than thirty contributions have been paid in respect of him under this Act since the beginning of the first of the two insurance years next before the beginning of the benefit year in which the application for benefit is made;"

"(iii) that he is capable of and available for work;"

"(iv) that he is genuinely seeking work, but unable to obtain suitable employment;"

Digitized by Google

(*b*) After the words "than those" in paragraph (*b*) of the proviso to sub-section (1) there shall be inserted the words "which he might reasonably "have expected to obtain having regard to "those."

(2) During the period between the commencement of this Act and the first day of October, nineteen hundred and twenty-five, a person shall be entitled to receive benefit if the Ministry thinks fit so to direct in his case, notwithstanding that the first statutory condition may not have been fulfilled in his case.

Amendments as to disqualifications for receipt of unemployment benefit.

4.—(1) Sub-section (1) of section eight of the principal Act (which imposes a disqualification for the receipt of benefit during a stoppage of work) shall not apply in any case in which the insured contributor proves that he is not participating in or financing or directly interested in the trade dispute which caused the stoppage of work, and that he does not belong to a grade or class of workers members of which are participating in or financing or directly interested in the dispute, or that the stoppage is due to an employer acting in a manner so as to contravene the terms or provisions of any agreement existing between a group of employers where the stoppage takes place, or of a national agreement to either of which the employers and employees are contracting parties.

(2) Sub-section (3) of section eight of the principal Act (which disqualifies an insured contributor for the receipt of benefit while he is an inmate of any workhouse or other institution supported wholly or partly out of public funds) shall not apply in the case of an insured contributor who is an inmate of an institution used as a place of residence for workers if he proves that he was an inmate of the institution immediately before he became unemployed and that during the time when he was employed he paid the whole or a substantial part of the cost of his maintenance as such inmate.

Amount of state contribution.

5.—(1) The contribution to be made for the purposes of section five of the principal Act out of moneys provided by Parliament shall be at a rate equal to one half of the aggregate amount of the contributions paid in

Digitized by Google

A.D. 1924.

respect of the employed person by himself and his employer, or, in the case of an exempt person, paid by his employer, and sub-sections (3) and (7) of the said section five shall have effect accordingly.

(2) This section shall have effect as from the date to be prescribed by the Ministry under sub-section (2) of section four of the Unemployment Insurance Act (Northern Ireland), 1923, as the date on which new rates of contribution are to come into force.

Amendment of s. 12 (3) of principal Act

6. There shall be included among the expenses of which account may be taken for the purposes of the proviso to sub-section (3) of section twelve of the principal Act (which provides that such sum as the Ministry of Finance for Northern Ireland may direct, not exceeding one-eighth of the receipts of the Northern Irish unemployment fund, shall be applied as an appropriation in aid of the moneys provided by Parliament for the purpose of the salaries, remuneration and expenses therein mentioned)—

(*a*) such sum as in the opinion of the said Ministry of Finance approximately represents the amount in each year of the accruing liability in respect of the benefits to which any officers, inspectors or servants employed for the purposes of the principal Act will on their retirement become entitled under the Superannuation Acts, 1834 to 1919, or under the Superannuation Acts (Northern Ireland), 1921 to 1923; and

(*b*) any capital expenditure (up to such an amount as may be determined by the said Ministry of Finance with the consent of the Ministry) incurred for the purpose of providing premises for the purposes of the principal Act:

Provided that if in any case where the amount of any such capital expenditure determined as aforesaid has been charged to the Northern Irish unemployment fund the premises in respect of which the expenditure was incurred are sold or are used for purposes other than those of the said Act, there shall be deducted from the amount thereafter chargeable to the said unemployment fund under the said proviso such sum

Digitized by Google

as may be determined by the said Ministry of Finance, with the consent of the Ministry, to represent the then value of the premises or such part thereof as may be proportionate to the amount charged to the said unemployment fund (as the case may require):

(*c*) in the case of any premises occupied for the purposes of the principal Act in respect of which no rent is payable, such an amount as is estimated by the said Ministry of Finance, with the consent of the Ministry, to represent the rental value of the premises, after allowing for any capital expenditure incurred as aforesaid, which has been charged to the said unemployment fund.

Amendments to s. 17 of principal Act.

7.—(1) Section seventeen of the principal Act (which provides for arrangements being made with associations which make payments to their members while unemployed for the payment to such associations of sums out of the Northern Irish unemployment fund equivalent to the amount which those members would have received by way of unemployment benefit), as amended by any subsequent enactment, shall have effect as if in sub-section (1) thereof there were substituted for the words "which those persons would have received" the words "which those persons would have been entitled to receive."

(2) Where in consequence of a decision of an insurance officer or umpire or a recommendation of a court of referees a society or other association has paid to one of its members any sum by way of provision for unemployment, then, if the decision or recommendation is subsequently revised, so much of that sum as represented the amount of benefit which but for the arrangement would have been payable to that person may, unless that person shows that the sum was received by him in good faith and without knowledge that he was not entitled thereto, be recovered, without prejudice to any other remedy, by means of deductions from any benefit or from any payment from the society or other association to which that person thereafter becomes entitled.

Digitized by Google

A.D. 1924.

Any question whether a person is liable under the provisions of this sub-section to have a deduction made from any benefit or payment due to him shall be determined in the same manner as a claim for benefit, and the provisions of section eleven of the principal Act shall apply accordingly.

Suspension of power to make special schemes.

8.—(1) The power of the Ministry under section eighteen of the principal Act to make special orders approving or making special schemes shall be suspended until the expiration of one year from the termination of the deficiency period referred to in the Unemployment Insurance (No. 2) Act, 1921.

(2) For the purpose of securing in the case of a special scheme that like rates of benefit shall be payable to the persons to whom the scheme applies as are payable under this Act, and that the benefits under the scheme shall otherwise be not less favourable than those provided by the general provisions of the Unemployment Insurance Acts (Northern Ireland), 1920 to 1924 (but for no other purpose), the Ministry may, after consultation with the body charged with the administration of the scheme, notwithstanding anything in the said section eighteen, by order vary or amend the provisions of the scheme, and any such order may provide for consequential amendments as to the rates of contribution and otherwise.

(3) Sub-section (7) of section eighteen of the principal Act (which provides for the payment of a certain sum in every year out of moneys provided by Parliament to the body charged with the administration of a special scheme) shall cease to have effect.

(4) The power of the Ministry under sub-section (9) of section eighteen of the principal Act to vary or amend the provisions of a scheme made under that section may, except in the case of provisions relating to rates of contribution, rates or duration of benefit, or the constitution of the body charged with the administration of the scheme, be exercised by order instead of by special order.

Any order, not being a special order, made under the said sub-section (9), as amended by this sub-section, for varying or amending the provisions of a scheme shall be laid before both Houses of Parliament in the same

Digitized by Google

A.D. 1924.

manner as regulations made under the principal Act, and sub-section (3) of section thirty-five of the principal Act, as amended by the Second Schedule to this Act, shall apply accordingly.

Amendment as to refunds of contributions.

9.—(1) If on an application made under this section the Ministry is satisfied that any person who is or has been an insured contributor had before the seventh day of July, nineteen hundred and twenty four—

(*a*) paid contributions in respect of not less than fifty weeks in accordance with the general provisions of the principal Act; and

(*b*) reached the age of fifty years;

that person or his personal representative shall be entitled to be paid out of the Northern Irish unemployment fund a sum representing the present worth as on that date of the amount of the excess value of the contributions paid by him as increased (in the case of an insured contributor who has not attained the age of sixty years) by compound interest at the rate of two-and-a-half per cent. per annum on the amount of that excess value from the date aforesaid until the date on which he would attain the age of sixty years.

(2) An application for a payment under this section must be made in the prescribed manner and within twelve months after the date of the passing of this Act.

(3) For the purposes of this section—

(*a*) the amount of the excess value of the contributions paid by an insured contributor shall be taken to be the amount by which the total amount of the contributions actually paid by him exceeds the aggregate of the sums received by him by way of benefit, together with compound interest on that excess up to the seventh day of July nineteen hundred and twenty-four at such rate and calculated in such manner as is directed by section twenty-five of the principal Act;

(*b*) in calculating the excess value of contributions—

(i) contributions and benefit paid subsequently to the seventh day of November,

Digitized by Google

A.D. 1924.

nineteen hundred and twenty, shall be reckoned as if they had been paid at the rates at which contributions and benefit were respectively payable under the principal Act as originally enacted; and

(ii) no account shall be taken of contributions repaid or refunded, of benefit previously taken into account for the purposes of a refund under any of the provisions of the principal Act, of grants or contributions paid under the Unemployed Workers' Dependants (Temporary Provisions) Act, 1921, of contributions on account of which a payment has been made under subsection (10) of section eighteen of the principal Act to the body charged with the administration of a special scheme, or, where no contributions have been paid in respect of any person for a period comprising five insurance years, of contributions paid in respect of him, or benefit paid to him, before the last such period; and

(*c*) the present worth of the amount of the excess value of contributions as increased by any such compound interest as aforesaid (if any) shall be calculated in manner prescribed by regulations, and any regulations made for that purpose shall direct that in making the calculation regard shall be had, among other matters, to the fact that contributions may cease for a period comprising five insurance years to be paid in respect of the insured contributor, and, in the case of an insured contributor who has not attained the age of sixty years, to the fact that he may not live to attain that age.

(4) Payment to an insured contributor under this section shall not affect his liability to pay contributions.

(5) Section twenty-five of the principal Act shall cease to have effect, except that, where any person had before the seventh day of July, nineteen hundred and twenty-four, become entitled to claim a repayment under that section, an application may be made in that behalf under that section instead of under this section at any time within twelve months after the date of the passing

Digitized by Google

A.D. 1924.
1 & 2 Geo. 5., c.55

of this Act and no repayment to which any person may be entitled under section ninety-five of the National Insurance Act, 1911, shall be made unless an application for repayment is made to the Ministry within the said period of twelve months.

(6) If in any case where there is a failure to make any such application as is mentioned in this section within the period of twelve months after the date of the passing of this Act it is shown to the satisfaction of the Ministry that there was good cause for the failure, the Ministry may allow the application to be made at any time within four years after the expiration of the said period.

Amendment as to recovery of sums received by way of benefit.

10.—(1) If it is found at any time that a person has been in receipt of unemployment benefit whilst the statutory conditions were not fulfilled in his case, or whilst he was disqualified for receiving unemployment benefit, or has been in receipt of benefit in excess of that to which he was lawfully entitled, he shall, unless he shows that the benefit was received by him in good faith and without knowledge that he was not entitled thereto, be liable to repay to the Northern Irish unemployment fund any sums paid to him in respect of unemployment benefit while the statutory conditions were not fulfilled, or whilst he was disqualified for receiving unemployment benefit, or any sums paid to him in respect of unemployment benefit in excess of that to which he is ascertained to have been lawfully entitled, as the case may require.

(2) If any question arises whether any person is liable, under the provisions of this section, to repay an amount of benefit, or as to the amount which he is so liable to repay, such question shall be determined in the same manner as a claim to benefit, and the provisions of section eleven of the principal Act shall apply accordingly.

(3) Notwithstanding anything in the Unemployment Insurance Acts (Northern Ireland), 1920 to 1924, where a person is liable to repay to the Northern Irish unemployment fund any sum received by him by way of benefit, that sum may be recovered, without prejudice to any other remedy, by means of deductions from any benefit to which that person thereafter becomes entitled.

Digitized by Google

A.D. 1924.

(4) Any reference in the Acts mentioned in the last preceding sub-section to sub-section (5) of section twenty-two of the principal Act shall be construed as a reference to sub-section (1) of this section.

Power to make regulations with respect to appointment of persons to represent deceased or insane persons.

11. Provision may be made by regulations under section thirty-five of the principal Act for the appointment of a person to receive, on behalf of or as representative of an insured contributor who becomes of unsound mind or dies, any sums payable out of the Northern Irish unemployment fund to or in respect of him.

Provision as to persons employed on night work.

12. The power of the Ministry under section thirty-five of the principal Act to make regulations shall include power to make regulations prescribing, either generally or with respect to any special class of cases, that where a period of employment begun on one day extends over midnight into another day, the person employed shall be treated as having been employed on such one or other only of those two days as the regulations may direct.

Amendment of sub-section (2) of s. 14 of principal Act

13. The following sub-section shall be substituted for sub-section (2) of section fourteen of the principal Act:—

"(2) The accounts of the Northern Irish unemployment fund shall be examined by the Comptroller and Auditor-General and shall, together with his report thereon, be laid before Parliament."

Changes in insurance year.

14. The Ministry may by regulations prescribe the date on which the period constituting the insurance year is to commence, and any such regulations may contain such consequential and supplemental provisions as appear to the Ministry to be necessary for dealing with or regulating the transition from the old to the new period, and in particular for making provision with respect to any period of time between the end of one insurance year and the commencement of the next insurance year.

Consequential and minor amendments.

15. The amendments specified in the second column of the Second Schedule to this Act (which relate to consequential and minor matters) shall be made in the enactments specified in the first column of that Schedule.

Digitized by Google

A.D. 1924.

Short title, construction, repeal, decision of questions, and application.

16.—(1) This Act may be cited as the Unemployment Insurance (No. 2) Act (Northern Ireland), 1924, shall be included among the Acts which may be cited together as the Unemployment Insurance Acts (Northern Ireland), 1920 to 1924, and shall be construed as one with those Acts, and any reference in this Act to those Acts, or to any of them, or to any provision contained in any of them, shall, unless the context otherwise requires, be construed as a reference to those Acts, that Act, or that provision, as amended by this Act.

(2) References in this Act to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

(3) The enactments mentioned in the Third Schedule to this Act are hereby repealed as respects Northern Ireland to the extent specified in the third column of that Schedule.

(4) If a question arises whether a person satisfies the additional conditions required to be satisfied by a person applying for benefit under sub-section (3) of section one of this Act, or with respect to the date of the making of an application for benefit, that question shall be decided by the Ministry, whose decision thereon shall be final.

(5) The Ministry may, if it thinks fit, refer to any committee to which questions may be referred under sub-section (5) of section thirteen of the principal Act any question which is to be decided by the Ministry under this Act, and any question arising under sub-section (2) of section three of this Act whether a person should be allowed to receive benefit notwithstanding that the first statutory condition is not fulfilled in his case.

(6) The Ministry may by regulations provide for the transition from the provisions of the Unemployment Insurance Acts (Northern Ireland), 1920 to 1924, and the Unemployment Insurance Order (Northern Ireland), 1924, to the provisions of those Acts as amended or extended by this Act.

Any order or regulation made under this Act relating to any matter in respect of which the Ministry was empowered to make orders or regulations under any enactment applied to Northern Ireland in pursuance of

Digitized by Google

A.D. 1924.

the Unemployment Insurance (Temporary Provisions) Act (Northern Ireland), 1924, may be made so as to have effect as from the date of the commencement of such enactment.

SCHEDULES.

FIRST SCHEDULE.

PART I.

SUPPLEMENTAL PROVISIONS RELATING TO RIGHT TO UNEMPLOYMENT BENEFIT.

Section 1

1. Benefit shall be payable in respect of each week after the first three days of a continuous period of unemployment.

2. No person shall receive benefit in respect of any period of less than one day.

3. The following provisions shall have effect for the purpose of determining the number of contributions which are to be taken as standing at any time to the credit of any person :—

(*a*) Where owing to the fact that the wages or other remuneration of an employed person are paid at intervals greater than a week, or for any other like reason, contributions are paid in respect of any person at intervals greater than a week, that person shall be entitled to treat each of those contributions as being such number of contributions as there are weeks in the period in respect of which the contribution was paid ;

(*b*) There shall be deducted from the aggregate number of contributions actually paid in respect of him one contribution in respect of each day of benefit previously received by him, exclusive of any benefit received in respect of the period between the seventh day of November, nineteen hundred and twenty, and the termination of the fourth special period, or in the case of benefit received in respect of the period before the eighth day of November, nineteen hundred and twenty, five contributions in respect of each week of benefit received.

4. Any time during which a person is under the provisions of the principal Act disqualified, otherwise than by reason of being in receipt of sickness or disablement benefit or disablement allowance under the enactments relating to National Health Insurance, for receiving benefit shall be excluded in the computation of continuous periods of unemployment under this Part of this Schedule.

5. A period of unemployment shall not be deemed to commence until the date on which the insured contributor makes application for benefit in the prescribed manner :

Provided that regulations may be made under section thirty-five of the principal Act for authorising some earlier date to be substituted for the date of the application in cases in which good cause is shown for delay in making the application.

Digitized by Google

A.D. 1924.

Section 2.

PART II.

WEEKLY RATES OF UNEMPLOYMENT BENEFIT.

Class of Persons to whom Rate applies.	Rate of Benefit. s.	d.
Men	18	0
Women	15	0
Boys who have attained the age of sixteen years, but are under the age of eighteen years	7	6
Girls who have attained the age of sixteen years, but are under the age of eighteen years	6	0

SECOND SCHEDULE.

MINOR AND CONSEQUENTIAL AMENDMENTS.

Sections 8, 15

Enactment to be amended.	Amendment.
The Unemployment Insurance Act, 1920:	
Section 4 (2) ..	For the words "twenty days" there shall be substituted the words "ten days."
Section 5 (5) ..	At the end of the sub-section there shall be inserted the words "nor in respect of any blind person who is in receipt of a pension under those Acts as extended by section one of the Blind Persons Act, 1920."
Section 7 (2) (*a*) ..	After the words "the remuneration," wherever they occur, there shall be inserted the words "or profit," and after the words "is payable" there shall be inserted the words "or is earned."
Section 8 (2) ..	The words "not being less than one week" shall be repealed.
Section 8 (4) ..	The words from the beginning to "this Act and" shall be repealed.
Section 8 (5) ..	At the end of the sub-section there shall be inserted the words "or under those Acts as extended by section one of the Blind Persons Act, 1920."
Section 10 (1) (*c*) ..	After the words "who is" there shall be inserted the words "or was."
Section 11 (3) ..	Leave out "if so requested by the Court of Referees."
Section 17 (1) ..	For the words "exceeds by at least five shillings per week in the case of men, four shillings per week in the case of women, two shillings and sixpence per week in the case of boys, and two shillings per week in the case of girls," there shall, as from the first day of

Digitized by Google

A.D. 1924.

Enactment to be amended.	Amendment.
The Unemployment Insurance Act, 1920—*continued.*	
Sec. 17 (1)—*contd:*	October, nineteen hundred and twenty-five, be substituted the words "exceeds in respect of periods of unemployment amounting in the aggregate to not less than thirteen weeks in a period of twelve months by at least five shillings per week in the case of men, four shillings per week in the case of women, two shillings and sixpence per week in the case of boys, and two shillings per week in the case of girls, and in respect of any further periods of unemployment in the same period of twelve months by at least half the several amounts aforesaid."
Section 22 (6) ..	At the end of the sub-section there shall be inserted the words "or in the county court by civil bill at the suit of the Ministry."
Section 22 (7) ..	After the words "within the meaning of this Act or not" there shall be inserted the words "or as to who is or was the employer of an employed person."
Section 28 (1) ..	After the words "general provisions" there shall be inserted the words "and the regulations may provide, in the case of contributions paid by an employer on behalf of the employed person and not recovered from him, for the return under this section being made to the employer instead of to the employed person."
Section 35 (3) ..	For the words "twenty days" there shall be substituted the words "ten days"
Section 36 (2) ..	For the words "twenty days" there shall be substituted the words "ten days."
The Unemployment Insurance (No. 2) Act, 1921:	
Section 10 ..	For the words "the statutory condition that he is capable of and available for work but unable to obtain suitable employment" there shall be substituted the words "the third or the fourth statutory condition."
The Unemployment Insurance Act, (Northern Ireland), 1923:	
Section 6 (1) ..	For the words "less than three" there shall be substituted the words "not more than six."
Section 12 (1) ..	For the words "beginning of the second benefit year" there shall be substituted the words "first day of October, nineteen hundred and twenty-five."

Digitized by Google

THIRD SCHEDULE.

A.D. 1924.

Section 16.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
10 & 11 Geo. 5, c. 30.	The Unemployment Insurance Act, 1920.	Section two, in sub-section (8) of section eleven the words from " without prejudice to" to " has been revised," sub-section (7) of section eighteen, sub-section (5) of section twenty-two, section twenty-five subject to the provisions of this Act, in paragraph (*e*) of sub-section (1) of section forty-seven the words from " and (iii) for " to the end of the paragraph, and the Second Schedule.
11 & 12 Geo. 5, c. 1.	The Unemployment Insurance Act, 1921.	Sections one, three and four, section nine except sub-section (5) thereof, the First Schedule, and so much of the Second Schedule as amends sections seventeen and eighteen and the Second Schedule of the principal Act.
11 & 12 Geo. 5, c. 15.	The Unemployment Insurance (No. 2) Act, 1921.	The whole Act, except section four, sections nine to thirteen and sections fifteen and sixteen.
12 & 13 Geo. 5, c. 7.	The Unemployment Insurance Act, (Northern Ireland), 1922.	Sections three, four, five, six, twelve and fifteen, and sub-section (4) of section sixteen.
13 & 14 Geo. 5, c. 11.	The Unemployment Insurance Act, (Northern Ireland), 1923.	Sections one, two, three, seven, eight and nine.
14 Geo. 5, c. 3.	The Unemployment Insurance Act, (Northern Ireland), 1924.	The whole Act.
14 & 15 Geo. 5, c. 14.	The Unemployment Insurance (Temporary Provisions) Act (Northern Ireland), 1924.	The whole Act.

Digitized by Google

A.D. 1924.

CHAPTER 26.

An Act to apply a Sum out of the Consolidated Fund of Northern Ireland to the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-five, and to appropriate the further Supplies granted in this Session of Parliament. [7th November, 1924.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, for the purpose of making good the supply and applying the sums which the House of Commons have, in pursuance of recommendations from the Governor of Northern Ireland, granted to His Majesty in this Session of Parliament, as follows :—

GRANT OUT OF CONSOLIDATED FUND.

Issue of £390,963 out of the Consolidated Fund.

1. The Ministry of Finance for Northern Ireland (in this Act referred to as " the Ministry of Finance ") may issue out of the Consolidated Fund of Northern Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-five, the sum of three hundred and ninety thousand, nine hundred and sixty-three pounds.

Power for the Minister of Finance to borrow.

2.—(1) The Ministry of Finance may borrow from any person, by the issue of Treasury Bills or otherwise, on the credit of the said sum, any sum or sums not exceeding in the whole two hundred thousand pounds.

(2) Any money borrowed otherwise than on Treasury Bills shall be repaid, with any interest due thereon, out of the growing produce of the said Consolidated Fund at any date not later than the quarter next succeeding to that in which the money was borrowed.

(3) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, nineteen hundred and twenty-five.

Digitized by Google

A.D. 1924.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer of Northern Ireland, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

APPROPRIATION OF GRANTS.

Appropriation of Grants.

3. The sums granted by this Act out of the said Consolidated Fund towards making good the supply granted to His Majesty, amounting, as appears by Schedule (A) of this Act, in the aggregate, to the sum of three hundred and ninety thousand, nine hundred and sixty-three pounds, are appropriated for the several services and purposes expressed in Schedule (B) of this Act.

In addition to the sums hereby granted out of the said Consolidated Fund, there may be applied as an appropriation in aid of the grant for the several services and purposes last specified in Schedule (B) of this Act the sum set forth in that behalf in the last column of the said Schedule (B).

Short title.

4. This Act may be cited as the Appropriation (No. 2) Act (Northern Ireland), 1924.

SCHEDULE (A).

Grant out of the Consolidated Fund .. £390,963

SCHEDULE (B).

SCHEDULE of sums granted to defray the charges of the several Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March, 1925, viz. :—

No.	CLASS I.	Sums Granted.	Appropriations in Aid.
		£	£
5.	For expenditure in respect of public works and buildings, including sundry grants in aid	12,889	—

Digitized by Google

SCHEDULE (B.)—Continued.

No.		Sums Granted.	Appropriations in Aid.
	CLASS II.	£	£
2.	For the expenses of criminal prosecutions and other law charges, including the expenses of civil litigation, the grants in relief of certain expenses payable by statute out of local rates, and certain legal expenses (including fees to the Attorney-General) incurred in respect of the attendance of counsel representing the Government of Northern Ireland before the Judicial Committee of His Majesty's Privy Council	2,433	—
6.	For the salaries and expenses of the Special Constabulary	275,621	—
	CLASS III.		
4.	For grants to local authorities, &c., for assistance in carrying out approved schemes to relieve Unemployment	100,000	—
	CLASS IV.		
2.	For the expenses of educational services, including grants in aid of the Teachers' Pension Fund (Northern Ireland) and of the British Empire Exhibition Educational Fund and other grants	10	—
	CLASS V.		
2.	For the expenses of the Ministry of Agriculture in respect of agricultural institutions, improvement of live stock, agricultural research and development, agricultural statistics and sundry grants in aid ..	10	1,735

Digitized by Google

CHAPTER 27.

An Act to make better provision in Northern Ireland with regard to children of unmarried parents; and for other purposes connected therewith. [7th November, 1924.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Power to make Affiliation Order upon man alleged to be father of illegitimate child.

1.—(1) Where a man is alleged by the mother to be the father of her illegitimate child, and has been summoned in accordance with the provisions of this Act to appear before a court of summary jurisdiction, constituted as hereinafter provided acting for the petty sessions district or place in which the mother resides, or in which the mother or her illegitimate child is in receipt of relief from the poor rates of any poor law union, the court shall have power to make an order (in this Act referred to as an "Affiliation Order") adjudging the man to be the putative father of the child. An Affiliation Order may provide, under such conditions as the Court sees fit, for the payment by such putative father of—

(*a*) the expenses incidental to the birth of the child;

(*b*) if the child has died before the making of the Affiliation Order the funeral expenses of such child, to an amount not exceeding five pounds; and

(*c*) a weekly sum of money not exceeding twenty shillings in any one week in respect of the maintenance and education of the child.

Any provision in an Affiliation Order for any such payment shall continue in force until the child, to whom it relates, shall, if a male, attain the age of fifteen years or if a female, attain the age of sixteen years or marry under that age, and, except for the recovery of arrears or funeral expenses, for no longer period, but no such provision for the payment of a weekly sum shall continue in force after the death of such child.

Digitized by Google

A.D. 1924.

(2) For the purposes of this Act the expression "the mother" means any single woman who is with child or has been delivered of an illegitimate child, and includes—

(*a*) a widow;

(*b*) a married woman living separate from her husband; and

(*c*) a married woman not living separate from her husband, but who at the time of her marriage had been delivered of an illegitimate child.

(3) The court shall not make an Affiliation Order unless—

(*a*) the child has been born alive;

(*b*) the man alleged to be the father of the child appears before the court or it is proved to the court that the summons was duly served upon him; and

(*c*) the evidence of the mother is corroborated in some material particular by other evidence to the satisfaction of the court.

(4) The court, in deciding whether or not it shall make an order for the payment of the expenses incidental to the birth of an illegitimate child, shall not take into consideration any right of the mother to receive maternity benefit under the enactments relating to National Health Insurance.

6 & 7 Will. 4, c. 13.

(5) A court of summary jurisdiction, when hearing and determining any matter under this Act, shall be constituted of a resident magistrate appointed under the Constabulary (Ireland) Act, 1836, sitting alone:

Provided that a summons under this Act may be issued by any justice of the peace having jurisdiction in the petty sessions district or place where the summons is returnable.

26 & 27 Vict. c. 21.

(6) The Bastardy (Ireland) Act, 1863, is hereby repealed as respects Northern Ireland.

Provisions as to summons.

2.—(1) A summons may be issued for the appearance before a court of summary jurisdiction of the man who is alleged by the mother to be the father of her illegitimate child, to show cause why an Affiliation Order should not be made upon him in respect of the child.

(2) An application for a summons under this section may be made either by the mother or, if the

Digitized by Google

A.D. 1924.

mother or her illegitimate child is in receipt of relief from the poor rates of any poor law union, by the board of guardians of that union.

(3) An application for such summons may be made—

(*a*) at any time before the birth of such child ; or

(*b*) within twelve months from the birth of such child ; or

(*c*) after the expiration of the said twelve months, upon proof that the man alleged to be the father of such child has within the said twelve months paid money for the maintenance of such child ; or

(*d*) within the twelve months next after the return to Northern Ireland of the man alleged to be the father of such child, upon proof that he was absent from Northern Ireland at the time of the birth of such child or that he ceased to reside in Northern Ireland within the twelve months next after the birth of such child.

(4) No summons shall be issued under this section, unless the mother has made an information in writing upon oath stating who is the father of the child.

(5) Where the application for a summons under this section is made before the birth of the child, the justice of the peace issuing the summons shall make it returnable at some petty sessions to be held upon a day after the time when the child is expected to be born, but the court of summary jurisdiction shall have power to adjourn the hearing of the case from time to time to such later day as may be required in order to secure the attendance before the court of the mother or any other necessary witness.

Provisions as to duration, effect and variation of Affiliation Orders.

3.—(1) A liability under an Affiliation Order shall not be determined by the death of the mother or of the putative father of the child in respect of whom the order has been made. In the case of the death of the mother after the making of an Affiliation Order proceedings for the enforcement of the order may be taken or continued by the person having the custody of the child, or, if the child is in receipt of relief from the poor rates of any poor law union, by the board of guardians of that union, and

Digitized by Google

A.D. 1924.

such person or board may be made a party to any proceedings taken for the commutation of weekly sums. In the case of the death of the putative father after the making of the Affiliation Order, his personal representative may be made a party to any proceedings for the enforcement of the order, and the court may make an order for the payment out of his estate of such lump sum as the court thinks just, but in no case exceeding the aggregate of the sums for the payment of which the putative father would, if he had lived, have been liable under the Affiliation Order. Such lump sum shall be paid to the collecting officer or to such other person or body of persons as may be designated by the court and shall be invested and applied for the maintenance and education of the child in such manner as the court may direct.

(2) Any weekly sum payable under an Affiliation Order shall be calculated as from such date, within twelve months before or after the date of the order, but in no case earlier than the birth of the child, as the court thinks fit.

(3) The sums due under an Affiliation Order shall be payable (whether through the collecting officer under this Act, or directly) to such person as may be named in the order, being—

(*a*) if the child, in respect of whom the order has been made, is not in receipt of relief from the poor rates, the mother or other person for the time being having the custody of the child either legally or by any arrangement approved by the court;

(*b*) if the child is in receipt of relief from the poor rates, such board of guardians or relieving officer as may be designated by the court.

(4) A court of summary jurisdiction may, upon cause being shown upon fresh evidence to the satisfaction of the court, make an order varying an Affiliation Order—

(*a*) by altering the amount of the sums payable thereunder or directing that the payment of those sums shall cease or be revived; or

(*b*) by directing that the sums payable thereunder shall be paid to some person other than the person named in the Affiliation Order:

Digitized by Google

(*c*) by ordering the payment by the putative father of the funeral expenses of any child who may have died while any Affiliation Order in respect of such child was in force against such putative father; provided that no amount so made payable shall exceed five pounds.

Commutation of weekly sums.

4.—(1) Any weekly sums payable under an Affiliation Order may, on the application of the putative father of an illegitimate child, be commuted by the court by which the Affiliation Order was made for a lump sum, if that court is satisfied—

(*a*) that arrangements have been made for the proper administration of the lump sum for the maintenance and education of the child; and

(*b*) that the lump sum is sufficient to afford to the child benefits at least equal to those which would be afforded by the payment of weekly sums.

Such lump sum shall be paid to the collecting officer or to such other person or body of persons as may be designated by the court, and shall be invested and applied for the maintenance and education of the child in such manner as the court may direct.

(2) All sums applicable under this section for the maintenance and education of an illegitimate child shall, if default is made by any person in the payment thereof, be recoverable in like manner as sums payable by the putative father under an Affiliation Order.

Agreement as to payment of weekly or lump sum.

5.—Where an agreement is entered into between the mother of an illegitimate child and the man alleged to be the father of that child, for the payment by that man of a weekly sum of money, or of a lump sum, for the maintenance and education of the child, and in discharge of any liability under this Act in respect thereof, such agreement shall be a bar to proceedings to obtain an Affiliation Order under this Act in respect of that child, or in case such agreement is entered into after a summons has been issued under this Act, but before the hearing of the case, a bar to further proceedings for that purpose, if a resident magistrate is satisfied on an ex parte application by either party (which may be heard and determined otherwise than in open court)—

Digitized by Google

A.D. 1924.

(*a*) that the agreement affords to the child benefits at least equal to those which might be expected to have been obtained by the making of an Affiliation Order or the commutation of the weekly sums payable under an Affiliation Order; and

(*b*) that the agreement provides for the payment of the weekly sums, or the lump sum, to some person or body of persons approved by the resident magistrate; and

(*c*) where the agreement is for a lump sum, that it provides for the investment and application of that sum for the maintenance and education of the child in such manner as the resident magistrate may approve.

Provisions for cases of default, and as to recovery of sums ordered.

6.—(1) If default is made in the payment of any sum payable by the putative father of an illegitimate child under an Affiliation Order, or under any order varying the same, the mother or other person entitled thereto may apply to the court of summary jurisdiction by which the order was made; and upon such application that court shall have and may exercise, for the purpose of enforcing the payment of any such sum, all the powers (including powers of imprisonment) exerciseable by a court of summary jurisdiction in cases where default is made in the payment of a penal sum:

Provided that the court shall not exercise any of the said powers unless the putative father appears before the court or it is proved to the court that a summons was duly served upon him.

(2) Without prejudice to the provisions of the preceding sub-section, a court of summary jurisdiction may, in any case where there is any pension or income payable to the man on whom an Affiliation Order has been made by the court and capable of being attached, and the court is satisfied, after giving such man an opportunity of being heard, that he has without reasonable cause made a default under the Affiliation Order, order that such an amount each week as is specified in the Affiliation Order, or any part of such amount, be attached and paid to the person named by the court. Such order shall be an authority to the person by whom the pension or income

Digitized by Google

A.D. 1924.

is payable to make the payment so ordered, and the receipt of the person to whom the payment is ordered to be made shall be a good discharge to the person by whom the pension or income is payable.

(3) Any sums payable to the board of guardians of any union under an Affiliation Order may be recovered either in the manner provided by this section, or in the manner provided by section fifty-five of the Poor Relief (Ireland) Act, 1838, for the recovery of the cost price of relief granted under that Act.

1 & 2 Vict. c. 56.

(4) A liability under an Affiliation Order shall not be included among the liabilities from which a bankrupt or arranging debtor is released by a certificate of conformity granted by a court of bankruptcy, except to such an extent and under such conditions as the court of bankruptcy expressly orders in respect of such liability.

Appeals to court of quarter sessions

7.—(1) An appeal shall lie to the court of quarter sessions, against any order (other than an order for the adjournment of a hearing) made by a court of summary jurisdiction under this Act, and also against any refusal by such court to make such an order in like manner as an appeal lies in cases of a civil nature to which the provisions of section twenty-four of the Petty Sessions (Ireland) Act, 1851, apply.

14 & 15 Vict c. 93.

(2) A court of quarter sessions, when hearing and determining an appeal under this section, shall be constituted of the county court judge or recorder sitting as the sole judge.

(3) The court may, on an appeal under this section, confirm or quash the order or reduce or increase the amount of any sum directed to be paid thereby, but so that the amount to be paid shall not exceed the maximum sum prescribed by this Act.

(4) Where an appeal is made against an Affiliation Order—

(*a*) the court shall not confirm the order appealed against unless the evidence of the mother is corroborated in some material particular by other evidence to the satisfaction of the court;

(*b*) if, at any time before the hearing of the appeal, the man upon whom the order has been made

Digitized by Google

A.D. 1924.

gives notice in writing of the abandonment of the appeal to the mother or other person in whose favour the order has been made, and to the court before which his recognizance has been taken, and pays or tenders to the appropriate party all sums due under the order and such sum as the last-mentioned court may order in respect of the costs incurred by that party by reason of notice of the appeal, the recognizance entered into by him shall not be estreated in or otherwise put in force or proceeded with.

Appointment and duties of collecting officer in respect of Affiliation Order.

8.—(1) There shall be appointed for each county borough and each petty sessions district an officer of the court who shall carry out the duties of the collecting officer under this section. The collecting officer shall be—

(*a*) in a county borough, such person as may be appointed by the justices with the approval of the Ministry of Home Affairs for Northern Ireland;

(*b*) in a place outside a county borough, the petty sessions clerk or such other person as may be appointed by the justices with the approval of the said Ministry.

(2) Where the court makes an Affiliation Order it shall, unless upon representations expressly made in that behalf by the applicant for the order the court is satisfied that it is undesirable so to do, provide in the order that all payments thereunder shall be made to the collecting officer, and, if the order so provides, those payments shall be made to that officer and not otherwise:

Provided that if the court is satisfied that it is undesirable to appoint its own collecting officer, it may appoint instead the collecting officer appointed for any other petty sessions district or place.

(3) It shall be the duty of the collecting officer to receive all such payments as may be directed to be made to him under this section, and to pay forthwith to the mother or to such other person as is named in the Affiliation order the sum directed to be paid under the order, or such part thereof as he receives, without making any deduction therefrom. Where any such payment or any part thereof is in arrear for seven days, the collecting

Digitized by Google

officer shall give notice in writing to the person who is entitled under the Affiliation Order to receive that payment, stating the particulars of the arrears.

(4) Nothing in this section shall affect the right of the mother, or other person entitled to recover payments under the Affiliation Order, to proceed against the putative father of the child to enforce payment of any sum due; but, on the request in writing of the mother or such other person, it shall be lawful for the collecting officer to proceed in his name as such officer on behalf of the mother or such other person against the putative father for the recovery of payments under the Affiliation Order, and in any such case the liability of the person on whose behalf the proceedings are taken for all costs properly incurred in or about the proceedings shall be the same as if the proceedings had been taken by that person.

(5) Where a court of summary jurisdiction makes an order for the periodical payment of money through the collecting officer, there shall be paid to such officer out of the Petty Sessions Clerks (Northern Ireland) Fund, in manner provided by rules of the said Ministry of Home Affairs under this Act, a sum in respect of his remuneration and expenses, not exceeding such percentage of the money actually paid through the collecting officer in pursuance of the order as may be fixed by those rules.

(6) The person on whom an Affiliation Order has been made, and any other person for the time being under an obligation to make payments, including payments of costs, to any person under an order made under this Act shall give notice, as the case requires, to the collecting officer, or to such other person (if any) as may be specified in the order, of any change of his address; and any person failing to give such notice without reasonable excuse shall be liable on summary conviction to a fine not exceeding two pounds.

Application of provisions of Summary Jurisdiction Acts for purposes of Act.

9.—(1) The provisions of the Summary Jurisdiction (Ireland) Acts shall apply with respect to the issue and service of any summons, the hearing of any case, the making of any order and the taking of any proceedings by or before a court of summary jurisdiction for the purposes of this Act, except as otherwise expressly provided in this Act.

Digitized by Google

A.D. 1924.

(2) Notwithstanding anything in the Summary Jurisdiction (Ireland) Acts, a summons issued under this Act for the appearance of a man who is alleged to be the father of an illegitimate child, or who has been adjudged to be the putative father of such child, may be served upon him in any part of Northern Ireland, whether within the county comprising the petty sessions district where the mother resides or an adjoining county, or not.

(3) Where a justice of the peace to whom an application has been made for a summons under this Act dies or is removed or otherwise ceases to hold office as such justice of the peace, or is unable to act, any powers and jurisdiction which might have been exercised by him on or in relation to the application shall be exerciseable by any other justice of the peace acting for the same petty sessions district or place.

(4) Where the man alleged to be the father of an illegitimate child resides outside the petty sessions district or place in which his case is heard or about to be heard, it shall be lawful to prove by affidavit in the prescribed form that any summons or order has been duly served upon such man. Any affidavit purporting to be made and attested in the prescribed form shall be received in evidence, and shall be deemed to be duly made and attested until the contrary is shown.

(5) Notwithstanding anything in any enactment a court to which any application or appeal is made under this Act may make an order for the payment by the applicant or the defendant, or both of them of the costs of the court and of such reasonable costs and expenses of either of the parties as the court thinks fit.

(6) It shall be lawful for the mother to apply for a summons, or take any proceedings under this Act, before any court, or make any request or give any consent in pursuance of this Act, notwithstanding that she is under the age of twenty-one years.

Power to make rules.

10.—(1) The Lord Chief Justice of Northern Ireland may make rules for prescribing forms of affidavit and any other forms required to be used for the purpose of summary proceedings and appeal proceedings under this Act, and for dealing with costs, fees and expenses in connection with such proceedings.

Digitized by Google

A.D. 1924.

(2) Except in relation to the matters mentioned in the preceding sub-section, the Ministry of Home Affairs for Northern Ireland may make such rules as appear to that Ministry necessary or proper for the purpose of giving full effect to this Act, including rules for adapting any provisions of the Summary Jurisdiction (Ireland) Acts in such manner as may be necessary for that purpose.

Saving for liability of mother.

11. Nothing in this Act shall be deemed to relieve the mother of an illegitimate child from her liability to maintain such child.

Short title, and commencement.

12.—(1) This Act may be cited as the Illegitimate Children (Affiliation Orders) Act (Northern Ireland), 1924.

(2) This Act shall come into operation on the first day of January, nineteen hundred and twenty-five.

CHAPTER 28.

An Act to amend section eleven of the Housing (Ireland) Act, 1919, and section one of the Housing Act (Northern Ireland), 1923.

[7th November, 1924.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of s. 11 of 9 & 10 Geo. 5. c. 45 as to sale of houses.

1. Where a local authority, acting in exercise of their powers under section eleven of the Housing (Ireland) Act, 1919, propose to sell any houses erected by them, such houses may, notwithstanding anything contained in sub-section (3) of that section, be sold at such price as, in the opinion of the Ministry of Home Affairs for Northern Ireland, is sufficient to recoup to the rate leviable for the purposes of Part I. of the said Act by the local authority the amount of any loss which has fallen, or may fall, upon that rate in connection with the building of such houses.

Digitized by Google

A.D. 1924.

In calculating, for the purposes of this section, the amount of the loss falling upon the said rate in connection with the building of any house, the local authority shall take into account all expenses (including expenses of administration and other outgoings) incurred in building that house, but shall deduct from the total of such expenses—

(*a*) the amount of any sum received by the local authority under any provisions of the Housing Acts (Northern Ireland), 1890 to 1923, and this Act, or out of any fund for the relief of unemployment, and applied by them in aid of such expenses; and

(*b*) if a general resolution of the local authority is in force in their area under sub-section (9) of the said section one, an amount equal to the amount of any grant payable by the local authority in pursuance of that resolution in respect of a similar house constructed by some person other than the local authority.

Amendment of s. 1. of 13 & 14 Geo. 5, c. 30, as to grants in respect of construction of houses.

2.—(1) Section one of the Housing Act (Northern Ireland), 1923 (in this section referred to as "the Act of 1923") shall have effect as if in paragraph (*c*) of sub-section (3) of that section for the words "first day of April, nineteen hundred and twenty-five" there were substituted the words "first day of April, nineteen hundred and twenty-six."

(2) It is hereby declared that in sub-section (7) of section one of the Act of 1923—

(*a*) the expression "Government contribution" means a contribution or payment derived either from the Exchequer of Northern Ireland or from the Exchequer of the United Kingdom; and

(*b*) the said expression includes a contribution to defray the cost of excavating the foundations, making connections with mains for the supply of water, gas or electricity or for the disposal of sewage, or laying out and fencing the ground attached to a house, but does not include any grant or part of a grant in respect of expenditure on an approved scheme for the laying out of streets or the general development of land for building.

Digitized by Google

A.D. 1924.

(3) Sub-section (8) of section one of the Act of 1923 shall have effect, and shall be deemed always to have had effect, as if for the words " adjoining an industrial centre " there were substituted therein the words " including or adjoining an industrial centre. "

(4) A general resolution adopted by the local authority under sub-section (9) of section one of the Act of 1923, and in force in the area of that authority immediately before the passing of this Act, shall, if the local authority expressly so determine (but not otherwise), have effect so as to apply to houses in respect of whose construction the Ministry is empowered to make grants by virtue of the provisions of sub-section (1) of this section.

A general resolution adopted by the local authority after the passing of this Act may, notwithstanding anything in sub-section (9) of section one of the Act of 1923, be framed so as to exclude from its application—

(*a*) all houses completed before such date as may be specified in the resolution; and

(*b*) all houses which have, before the date of the resolution, been sold by the person or body of persons by whom they were constructed.

Short title, citation and construction.

3.—(1) This Act may be cited as the Housing Acts Amendment Act (Northern Ireland), 1924, and this Act and the Housing Acts (Northern Ireland), 1890 to 1923, may be cited together as the Housing Acts (Northern Ireland), 1890 to 1924.

(2) References in this Act to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

Digitized by Google

A.D. 1924.

CHAPTER 29.

An Act to prescribe the method of ascertaining the annual rateable value of certain houses and buildings in Northern Ireland for the purposes of the Irish Valuation Acts.

[7th November, 1924.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Method of ascertaining rateable value of houses and buildings.

15 & 16 Vict., c. 63.

1.—(1) The Commissioner of Valuation shall, in carrying out the annual revision of the valuation of rateable tenements and hereditaments, cause the net annual value of any house or building to be estimated (notwithstanding anything contained in section eleven of the Valuation (Ireland) Act, 1852) by taking the net annual value of that house or building as contained in the revised valuation lists in force for the standard year, and adding an amount equal to fifteen per cent. of such last-mentioned net annual value:

Provided that—

(i) In the following cases the net annual value shall be estimated with reference to comparable valuations as defined in this section, and the net annual value so estimated shall then be increased by an amount equal to fifteen per cent. thereof, namely—

(*a*) in any case where the house or building was or is to be valued for the first time at any date subsequent to the first day of March, nineteen hundred and fourteen;

(*b*) in any case where the valuation of the house or building as set forth in the revised valuation lists in force for the standard year was fixed at a date so long antecedent to the standard year that it does not represent the true rateable value for that year;

(*c*) in any case where the house or building has been adapted for some purpose other than

Digitized by Google

that for which it was fitted at the time when its net annual value was estimated for the purpose of the valuation in force for the standard year;

(ii) In any case (not being a case to which paragraph (i) (*b*) of the proviso to this sub-section applies) where structural alterations or additions have been made to a house or building whose valuation was contained in the valuation lists in force for the standard year, but where such alterations or additions either had not been carried out, or were not taken into account, at the time when those lists were prepared, then the net annual value of the house or building shall be estimated at the amount at which the house or building would have been valued if those alterations or additions had been then taken into account, together with an addition equal to fifteen per cent. of that amount;

(iii) The valuation of a house or building shall not, by reason of this Act, be fixed at an amount in excess of the amount of the valuation which would, apart from this Act, have been made in regard to that house or building.

(2) Nothing in this Act shall affect the right of any person, county council or urban district council to take or continue, under the Irish Valuation Acts, any proceedings by way of appeal against or in respect of the valuation of any tenement or hereditament made (whether before or after the passing of this Act) in the manner directed by this Act.

(3) In this section—

The expression "house or building" includes any rateable tenement or hereditament which would, apart from this Act, have been valued in the manner directed by section eleven of the Valuation (Ireland) Act, 1852, with respect to houses and buildings, but does not include any dwelling house to which the provisions of paragraph (*f*) in sub-section (2) of section eighteen of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, apply:

10 & 11 Geo. 5. c. 17.

The expression "standard year" means the twelve months ended on the thirty-first day of March, nineteen hundred and fifteen:

Digitized by Google

A.D. 1924.

The expression " comparable valuations " means the valuations of premises in such a degree similar, by reason of their character, size, use and situation, to the tenements and hereditaments requiring to be valued that a consideration of the net annual value of those premises is of material assistance in estimating the net annual value of the tenements and hereditaments requiring to be valued, being valuations in force for, and indicating the true rateable value of the premises in, the standard year :

The expression " Commissioner of Valuation " means the officer to whom the Minister of Finance for Northern Ireland has, for the time being, in pursuance of subsection (3) of section one of the Ministries of Northern Ireland Act, 1921 [N.I.], assigned, for exercise and performance, the powers and duties transferred to the Ministry of Finance for Northern Ireland from the Commissioner of Valuation and Boundary Surveyor for Ireland.

12 Geo. 5. c. 6.

Short title. and commencement.

2.—(1) This Act may be cited as the Valuation Acts Amendment Act (Northern Ireland), 1924, and shall be construed as one with the Irish Valuation Acts as they apply in Northern Ireland.

(2) This Act shall have effect as from the first day of March, nineteen hundred and twenty-four, and the revised valuation lists issued by the Commissioner of Valuation on that day shall be deemed to have been prepared and made out according to the provisions of this Act.

Digitized by Google

TABLE II

SHOWING THE EFFECT OF THE YEAR'S LEGISLATION.

PART I.
ACTS OF PARLIAMENT OF THE UNITED KINGDOM (IN CHRONOLOGICAL ORDER) REPEALED OR AMENDED BY ACTS OF THE PARLIAMENT OF NORTHERN IRELAND PASSED IN THE SESSION 14 & 15 GEO. 5.

Statute and Chapter of Act of Parliament.	Subject matter or Short Title.	How affected.	Chapter of 14 & 14 & 15 Geo. 5.
7 Wm. 4 & 1 Vict. c. 83	Parliamentary Documents Deposit.	Applied to Private Bill proceedings in Northern Ireland.	9 s. 1 (1) and Sch.
3 & 4 Vict. c. 91.	Textile Manufactures (Ireland).	Continued to Dec. 31, 1925.	23 s. 1. and Sch. pt. 1.
9 & 10 Vict. c. 20.	Parliamentary Deposits.	Applied with modification.	9 s. 1 (1) (2) and Sch.
10 & 11 Vict. c. 69.	House of Commons Costs, Taxation.	Applied.	9, s. 1 (1) (2) (d) (e) (f) (g) and Sch.
12 & 13 Vict. c. 78.	House of Lords, Costs, Taxation.	Applied except Ss. 2-9	9 s. 1 (1) (2) (d).
14 & 15 Vict. c. 92.	Summary Jurisdiction (Ireland).	S. 11. extended.	7 s. 4.

Digitized by Google

Statute and Chapter of Act of Parliament.	Subject matter or Short Title.	How affected.	Chapter of 14 & 14 & 15 Geo. 5.
15 & 16 Vict. c. 63.	Valuation (Ireland).	Sec. 11 a.m.	29 s. 1 (1)
17 & 18 Vict. c. 103.	Towns Improvement. (Ireland).	S. 78 am. Ss. 83, 84, 87 88, in part excluded from applying to char-a-bancs.	7 s. 1 (1) Sch.
26 & 27 Vict. c. 21.	Bastardy (Ireland).	Repealed as respects Northern Ireland.	27 s. 1 (6)
28 & 29 Vict. c. 27.	Parliamentary Costs.	Applied.	9, s. 1 (1) and Sch.
30 & 31 Vict. c.136.	Parliamentary Costs.	Applied.	9 s. 1 (1) and Sch.
33 & 34 Vict. c. 26.	Poisons. (Ireland).	S. 2 am.	4, ss. 4 (1), (2), (3), 5.
c. 112.	Glebe, Loan (Ireland)	Continued to Dec. 31, 1925.	23 s. 1 and Sch. pt. 1.
34 & 35 Vict. c. 3.	Parliamentary Costs.	Applied.	9 s. 1 (1) and Schedule.
38 & 39 Vict. c. 17.	Explosives.	S. 5. am. S. 10 (11) am. S. 17 (10) rep. and replaced. S. 22. am. S. 23. am.	5 s. 3. 2 (1). 2 (2). 3. 1, (1).
39 & 40 Vict. c. 21.	Jurors Qualification (Ireland).	Continued to Dec. 31, 1925.	23 s. 1, and Sch. pt. 1.
41 & 42 Vict. c. 52.	Public Health (Ireland).	Ss. 132-135 applied.	15 s. 5.

Digitized by Google

Statute and Chapter of Act of Parliament.	Subject matter or Short Title.	How affected.	Chapter of 14 & 14 & 15 Geo. 5.
42 & 43 Vict. c. 17.	House of Commons Costs Taxation.	Applied.	9 s. 1 (1) and Sch.
46 & 47 Vict. c. 60.	The Labourers (Ireland).	Continued to December 31, 1925.	23 s. 1 and Sch. pt. 1.
51 & 52 Vict. c. 34.	Municipal Local Bills (Ireland).	Applied.	9 s. 1 (1) and Sch.
c. 53.	Borough Funds (Ireland).	Applied.	9 s. 1 (1) and Sch.
53 & 54 Vict. c. 59.	Public Health Acts Amendment.	S. 28 extended and applied to Eggs.	15, s. 5.
54 & 55 Vict. c. 39.	Stamp Act.	Sch. 1. Heading Receipt Exemption (6)	19, s. 7.
59 & 60 Vict. c. 25.	Friendly Societies.	S. 62 rep. in part. S. 62 and 64-67 extended. S. 63 am. S. 65 am. S. 70 am. S. 71 am. Sec. 76 (5) am.	21 ss. 4 (2). 4 (1). 4 (6). 4 (3). 36 (1). 38 (1). 17 (1).
c. 26.	Collecting Societies and Industrial Assurance Companies Act.	Repealed.	21 s. 46 and Sch. 5.
63 & 64 V. c. 7.	Finance.	Sec. 14 Extended	19 s. 9.
2 Edw. 7. c. 20.	Public Libraries (Ireland)	Ss. 2, 3, 4, & 6. rep.	10 s. 1 (5)

Digitized by Google

Statute and Chapter of Act of Parliament.	Subject matter or Short Title.	How affected.	Chapter of 14 & 14 & 15 Geo. 5.
9 Edw. 7. c. 49.	Assurance Companies	S. 1 (e) replaced	21 s. 42.
		Sec. 2 mod. and applied.	7, 12 (1)(2)
		Sec. 5 modified.	18 (2).
		Act modified.	12 (3).
		Sec. 23 applied.	39 (2).
		Sec. 27 am.	12 (2).
		Amended and applied.	20 s. 2 (2). 37.
		S. 36 rep. as from 1st Jan. 1925.	ss. 46 (4) and Sch. 5.
1 & 2 Geo. 5. c. 55.	National Insurance Act.	S. 16 (2) (b), 58 rep.	16 s. 4 and Sch.
		Section 42 continued to Dec. 31, 1925.	23 s. 1 and Sch. pt. 1.
2 Geo. 5. c. 2.	Coal Mines (Minimum Wage).	Continued to Dec. 31, 1925.	23 s. 1 and Sch. pt. 1.
3 & 4. Geo 5. c. 37.	National Insurance.	In 31 (1) the words from "and there shall be paid out of moneys provided by Parliament" to the end of the sub-section repealed.	16 s. 4 and Schedule.
		S. 34 (3) am. 69 (2) am.	s. 3.
4 & 5 Geo. 5. c. 3.	Grey Seals Protection Act.	Continued to Dec. 31, 1925.	23 s. 1 and Sch. pt. 1.

Digitized by Google

Statute and Chapter of Act of Parliament.	Subject matter or Short Title.	How affected.	Chapter of 14 & 14 & 15 Geo. 5.
4 & 5 Geo. 5. c. 58.	Criminal Justice Administration.	S. 18 am.	4 s. 2 (3) (b).
c. 78.	Courts (Emergency Powers).	Continued to Dec. 31, 1925, so far as it relates to orders made by any court before the thirty-first day of August, nineteen hundred and twenty-two.	23 s. 1 and Sch. pt. 1.
		Repealed so far as relates to enforcement of lapses of policies.	21 s. 28 (1).
6 Geo. 5 c. 11.	Finance (New Duties).	Sec. 1 (5) b am.	19 s. 3.
6 & 7 Geo. 5 c. 24.	Finance.	Sec. 9. declared to have ceased to have effect as from 1st May, 1923, in relation to licence duty for sale of perry and as from 1st Aug., 1924, in relation to licence duty by manufacturers of table waters.	19 s. 5 (1).
c. 45.	Time (Ireland).	Applied.	24 s. 1.
7 & 8 Geo. 5 c. 62.	National Health Insurance.	S. 29 am.	16 s. 2 (1).
8 & 9 Geo. 5 c. 34.	Statutory Undertakings (Temporary Increase of Charges).	Continued to Dec. 31, 1925.	23 s. 1 and Sch. pt. 1.
9 & 10 Geo. 5 c. 45.	Housing (Ireland).	Sec. 11 (3) am.	28 s. 1.
		Section 21 continued to Dec. 31, 1925.	23 s. 1 and Sch. pt. 1.

L.

Digitized by Google

Statute and Chapter of Act of Parliament.	Subject matter or Short Title.	How affected.	Chapter of 14 & 14 & 15 Geo. 5.
10 & 11 Geo. 5 c. 9.	Public Utility Companies (Capital Issues).	Continued to Dec. 31, 1925.	23 s. 1 and Sch. pt. 2.
c. 17.	Increase of Rent and Mortgage Interest (Restrictions).	Continued to Dec. 31, 1925.	23 s. 1 and Sch. pt. 1.
c. 18.	Finance.	Sch. 2, Par. 1, am. Sec. 13 am.	19, ss. 4(1). 4 (3).
c. 21.	Harbours, Docks, and Piers (Temporary Increase of Charges)	Continued to Dec. 31, 1925.	23, 1 and Sch. pt. 1.
c. 30.	Unemployment Insurance.	Sec. 2 (8) in pt. rep. Sec. 4 (2) am. Sec. 5 (3) (7) a.m. Sec. 5 (5) am. Sec. 7, 2 (a) am. Sec. 8 (2) am. Sec. 8 (1) (3) am.	25 s, 16 (13) and Sch. 3. S. 15 and Sch. 2. S. 4 (1) (2). S. 5 (1).

Digitized by Google

Statute and Chapter of Act of Parliament.	Subject matter or Short Title.	How affected.	Chapter of 14 & 14 & 15 Geo. 5.
10 & 11 Geo. 5 c. 30.	Unemployment Insurance (contd.)	Sec. 8 (4) am. 8 (5) am. 10 (1) c. am. 11 (3) am.	S. 15 and Sch. 2.
		11 (8) in part rep.	s. 16 (3) and Sch. 3
		Sec. 12 (3) am.	s. 6.
		Sec. 14 repealed and replaced.	s. 13.
		Sec. 17 am.	7 (1).
		17 (1) am.	s. 15 and Sch. 2.
		Sec. 18 suspended.	s. 8 (1).
		18 (7) rep.	ss. 8, (3) 4,
		18 (9) am.	16. and Sch. 3
		Sec. 22 (5) rep.	16 (3) & Sch. 3
		Sec 22 (6) (7) am.	15 and Sch. 2.
		Sec. 25 rep. sub-modo.	16 (3) and Sch. 3 and 9 (5).
		Sec. 28 (1) am.	s. 15 and Sch. 2.
		Sec. 35 am.	12 ss. 8 (4)
		Sec. 35 (3) am.	15 and Sch. 2.
		Sec. 36 (2). am.	s. 15 and Sch. 2.
		Sec. 47 (1) e iii. rep.	16 (3) and Sch. 3.
c. 46.	Dangerous Drugs.	S. 10 (1) am.	4 s. 1 (1).
		S. 13 (1), (2) rep. and replaced.	s. 2 (1).
		S. 13 (3) am.	s. 2 (2).

Digitized by Google

Statute and Chapter of Act of Parliament.	Subject matter or Short Title.	How affected.	Chapter of 14 & 14 & 15 Geo. 5.
10 & 11 Geo. 5 c. 57.	Unemployment (Relief Works) Act.	Continued to Dec. 31, 1925.	23 s 1 and Sch. pt. 1.
c. 72.	Roads.	Sec. 14 (3) am.	7 s. 4.
11 Geo. 5 c. 1.	Unemployment Insurance	Secs. 1, 3, 4. Sec. 9 except (5) and 1st Sch and part of Sch. 2. } rep.	25 s. 16 (3) and Sch. 3.
		Sec. 10 am.	25 s. 15 and Sch. 2.
11 & 12 Geo. 5 c. 15.	Unemployment Insurance. (No. 2.)	Whole Act except ss. 4, 9-13 and 15 and 16. } repealed.	25 s. 16 and Sch. 3.
c. 24.	Deceased Brother's Widow's Marriage.	Declared to apply to Northern Ireland.	22 s. 1.
c. 32.	Finance.	S. 43 extended to Northern Ireland.	19 s. 9 (4).
c. 66.	National Health Insurance (Prolongation of Insurance).	Continued to Dec 31, 1925.	23 s. 1 and Sch. pt. 1.
12 & 13 Geo. 5 c. 7.	Unemployment Insurance.	Secs. 3, 4, 5, 6, 12 and 15 and 16 (4) } rep.	25 s. 16 and Sch. 3.
14 & 15 Geo. 5 c. 21.	Finance.	S. 37 applied in Northern Ireland.	19 s. 8.

Digitized by Google

PART 2.

ACTS OF PARLIAMENT OF NORTHERN IRELAND (IN CHRONOLOGICAL ORDER) REPEALED OR AMENDED BY ACTS OF THAT PARLIAMENT PASSED IN THE SESSIONS 14 & 15 GEO. 5.

Statute and Chapter of Act of Parliament.	Subject matter or Short Title.	How affected.	Chapter of 14 & 14 & 15 Geo. 5.
12 Geo. 5 c. 5.	Local Government (Emergency Powers) Act.	Continued to Dec. 31, 1925.	23 s. 1 and Sch. pt. 3.
12 & 13 Geo. 5 c. 3.	Exchequer Borrowing and Local Loans.	Sec. 1, effect of declared. Sec. 2 am.	13 s. 5 (1). (2).
c. 4.	Unemployment Fund.	S. 1 am.	18 s. 1.
c. 5.	Civil Authorities (Special Powers) Act.	Continued to Dec, 31, 1925.	23 s. 1 and Sch. pt. 3.
c. 7.	Unemployment Insurance.	Extended.	3 s. 1 (1).
c. 18.	Finance.	Sec. 5 (2) am.	19 s. 4 (2).
c. 24.	Loans Guarantee.	Am.	2 s. 1 (1).

Digitized by Google

Statute and Chapter of Act of Parliament.	Subject matter or Short Title.	How affected.	Chapter of 14 & 14 & 15 Geo. 5.
13 Geo. 5 c. 1.	Canals (Continuance of Charging Powers).	Continued to Dec. 31, 1925.	23 s. 1 and Sch. pt. 4.
c. 2.	Inspectors of Weights and Measures Act.	Continued to Dec. 31, 1925.	23 s. 1 and Sch. pt. 3.
c. 4.	Exchequer Financial Provisions.	6 (1) construed.	13 s. 5 (3).
13 & 14 Geo. 5 c. 11	Unemployment Insurance.	ss. 1, 2, 3, 7, 8 and 9 rep. s. 2 (2) rep.	s. 16 (3) and Sch. 3 3 s. 1 (1). s. 1 (4).
		Sec. 6 (1) am.	25 ss. 15 and Sch. 2.
		Sec. 12 (1) am.	s. 15 and Sch. 2.
c. 15.	Loans Guarantee (Amendment).	Sec. 1 am.	2 s. 1 (1).
c. 25.	Expiring Laws 1923 (Continuance).	Rep. so far as Courts (Emergency Powers) Act, 1914, relating to policies of insurance is continued.	21 s. 46 (4) and Sch. 5.
c. 26.	Finance	Sec. 1 am.	19, s. 2.

Digitized by Google

Statute and Chapter of Act of Parliament.	Subject matter or Short Title.	How affected.	Chapter of 14 & 14 & 15 Geo. 5.
13 & 14 GEO. 5 c. 30.	Housing	Sec. 1 (3) (c) am. (7) effect declared. (8) am. (9) am.	28 s. 2 (1) (2) ,, (3) ,, (4)
c. 31.	Local Government.	S. 10 (1) am.	6 s. 2 (1).
14 Geo. 5 c. 3	Unemployment Insurance.	Repealed.	25, s. 16 (3) and Sch. 3.
14 & 15 Geo. 5 c. 13.	Exchequer and Financial Provisions.	5 (1) am.	19 s. 10.
c. 14.	Unemployment Insurance (Temporary Provisions).	Repealed.	25 s. 16 (3) and Sch. 3.

Digitized by Google

TABLE III

INDEX

TO THE

PUBLIC GENERAL STATUTES

14 & 15 GEO. 5—A.D. 1924.

PAGE

ACCOUNTS :
See INDUSTRIAL ASSURANCE COMPANY 81

AFFILIATION ORDER :
See Illegitimate Children 135

AGRICULTURAL INSTRUCTION :
Acquisition of land and erection and equipment of buildings in connection with 39

APPLICATION OF ENACTMENTS. Local Govt. Order, 1898, Article 22 (2) Amended. Money borrowed for permanent road work not to be reckoned as part of debt of County Council 13

APPROPRIATION (c. 12) 31

APPROPRIATION (No. 2) (c. 26) 132

ASSURANCE COMPANIES : To amend and remove doubts as to certain provisions of the Assurance Companies Act, 1909, as they apply in Northern Ireland (c. 20) 66

ASSURANCE COMPANIES : Exemption from making deposits in certain cases 66

ASSURANCE, INDUSTRIAL :
See Industrial Assurance .. .. 67—103

ASSURANCE POLICIES :
For funeral Expenses *see* FUNERAL EXPENSES 70

BOND INVESTMENT BUSINESS :
Amendment of law as to 100

BORROWING POWERS :
Ministry of Finance 2, 32
Treasury Bills may be issued by Ministry of Finance .. 2, 32
Of County Councils 13
Amendment of law as to 13

BORSTAL INSTITUTION :
Acquisition of land and erection and equipment of buildings in connection with 39

CAPITAL FUND :
Establishment of for the provision or improvement of buildings for certain public purposes 39

Digitized by Google

PAGE

CHAR-A-BANC REGULATION (c. 7) 14

1. Application of certain provisions of 17 & 18 Vict., c. 103 to char-a-bancs 14
2. Licensing days, appeals and offences 15
3. Byelaws 16
4. Application of s. 11 of 14 & 15 Vic. c. 92 as to overcrowding of carriages 17
5. Saving for local Acts 17
6. Construction and short title 17

Schedule 18

CHILDREN :

Assurance on lives of illegitimate *see* ILLEGITIMATE CHILDREN 70

CIDER AND PERRY cesser of licence duty on 62

COLLECTING SOCIETY :

Conversion of Society into Company 98
Delivery of policies and copies of rules to members .. 75
Deposit by 72
Dissolution or Winding up of 73
General meeting to be held annually 85
Name of 72
Rules of 74
Valuation, provision as to 82

COMMISSIONS OF THE PEACE : For simplifying the preparation and authentication of Commissions of the Peace, for prescribing the fees to be paid by Justices of the Peace in respect of their appointment and for other purposes connected therewith (c. 8) : 19
Form of s. 1 19
Justice, names of to be placed in Schedule to 1 (3) .. 19
Record to be kept by Clerk of Crown 1 (4) .. 19
Certificate to be issued to, by Clerk 1 (5) 19
Fees on appointment 2 20

CONSOLIDATED FUND (c. 1) 1
Appropriation (c. 12) (c. 26) *see* EXCHEQUER and FINANCIAL PROVISIONS 31, 132

CONSTABULARY (Acquisition of Land) : To empower the Ministry of Home Affairs to acquire land and buildings for constabulary purposes (c. 17) 55

CONVICT PRISON :

Acquisition of land and erection and equipment of buildings in connection with 39

COSTS :

Private Bill proceedings 23
Taxation 24
List of costs to be published by Speakers 25

COUNCIL :

Loan to by Ministry of Finance 13

Digitized by Google

PAGE

COUNTY COUNCILS :
Amendment of law as to borrowing powers of 13

CRIMINAL LUNATIC ASYLUM :
Acquisition of land and erection and equipment of buildings in connection with 39

DANGEROUS DRUGS AND POISONS (Amendment) : To amend the Dangerous Drugs Act, 1920, and section two of the Poison (Ireland) Act, 1870, in their application to Northern Ireland (c. 4) 5
1. Amendment of s. 10 of Dangerous Drugs Act, 1920. .. 6
2. Amendment of s. 13 of Dangerous Drugs Act, 1920 .. 6
3. Saving for matters outside powers of Parliament .. 9
4. Amendment of s. 2 of the Poisons (Ireland) Act, 1870, as respects sales to medical practitioners, dentists and veterinary surgeons 9
5. Amendment of s. 2 of Poisons (Ireland) Act, 1870, with respect to the labelling of poisons 10
6. Short title and construction 11

DANGEROUS DRUGS AND POISONS :
Labelling of poisons, particulars as to proportion of poison contained in preparation 10
Burden of proof of matter of defence 8

DECEASED BROTHER'S WIDOW'S MARRIAGE : To remove doubts as to the application of the Deceased Brother's Widow's Marriage Act to Northern Ireland (c. 22) .. 108

DECLARATION to be subscribed before receipt of pension, superannuation allowance or gratuity 33

DISPUTES :
Between Industrial Assurance Co. or Collecting Society and member 94

EGGS :
Licensing of wholesale dealers in 47
Registration of premises where eggs are preserved .. 48
Marking of packages 48
Description of 48
Provision of packing accommodation at Markets .. 49
Ministry of Agriculture to make rules under Marketing of Eggs Act 51

ENTERTAINMENTS DUTY :
In cases of transfers 60

EXCHEQUER AND FINANCIAL PROVISIONS ACT (NORTHERN IRELAND) : To establish a special Capital Fund and to charge sums upon the Consolidated Fund of Northern Ireland for the provision or improvement of buildings for certain public purposes ; to extend the powers of the Ministry of Finance with respect to the investment of moneys and the making of loans ; and for other purposes connected therewith. Ch. 13 39
1. Establishment of special fund for certain capital moneys. 39
2. Provisions as to capital expenditure on police barracks, &c. 41
3. Raising of money for Capital Fund No. 2 and Consolidated Fund, temporary application of moneys, and accounts. 42
4. Proceeds of sale and disposition of land 43
5. Amendment of existing financial provisions 43
6. Short title 44
Schedule 44

Digitized by Google

PAGE

EXPIRING LAWS: To continue certain Expiring Laws as respects Northern Ireland (c. 23) 109

EXPLOSIVES: To amend the Explosives' Act, 1875, in its application to Northern Ireland (c. 5) 11

EXPLOSIVES:
Precautions to be taken by occupiers 11
Restriction on employment of young persons in gunpowder factories, magazines and stores 12

FINANCE ACT (NORTHERN IRELAND): To amend the Law relating to certain Duties of Inland Revenue (including Excise), and to make further provision with respect to the cessation of, and relief from, certain Duties, and with respect to Finance. Ch. 19. 59

1. Entertainments duty in cases of transfers 60
2. Amendment of s. 1 of Finance Act (Northern Ireland), 1923 60
3. Determination of questions as to educational entertainments. 61
4. Amendments as to licences for mechanically-propelled vehicles. 61
5. Cesser of licence duty in respect of cider and certain table waters 62
6. Game licences and gun licences taken out in Great Britain to be available in Northern Ireland 63

PART II.

STAMP DUTY.
7. Exemption from stamp duty on receipts for salaries, wages and superannuation and other like allowances .. 64
8. Exemption from stamp duty of securities issued under Treaty with Turkey 64

PART III.

MISCELLANEOUS AND GENERAL. 64
9. Extension of s. 14 of Finance Act, 1900 64
10. Amendment of s. 5 of 14 & 15 Geo. 5, c. 13 65
11. Construction and short title 65

FUNERAL EXPENSES:
Assurance policies for 70

GAME Licence taken out in Great Britain available in Northern Ireland 63

GRATUITY:
Declaration to be subscribed before receipt of 33

GUARDIANS:
Loan by Ministry of Finance to 43

HOUSES AND BUILDINGS:
Rateable Value of 148
See VALUATION ACTS AMENDMENT ACT 148

HOUSING ACT: Amendment Act:
Amendment of Housing Act, 1919, and Housing Act, Northern Ireland, 1923 (c 28) 145

ILLEGITIMATE CHILDREN (AFFILIATION ORDERS) ACT: To make better provision in Northern Ireland with regard to children of unmarried parents; and for other purposes connected therewith (c. 27) 135

1. Power to make Affiliation Order upon man alleged to be father of illegitimate child 135
2. Provisions as to summons 136

Digitized by Google

ILLEGITIMATE CHILDREN ACT—*Continued.* PAGE

3. Provisions as to duration, effect and variation of Affiliation Orders 137
4. Commutation of weekly sums 139
5. Agreement as to payment of weekly or lump sum .. 139
6. Provision for cases of default, and as to recovery of sums ordered 140
7. Appeals to court of quarter sessions 141
8. Appointment and duties of collecting officer in respect of Affiliation Order 142
9. Application of provisions of Summary Jurisdiction Acts for purposes of Act 143
10. Power to make rules 144
11. Saving for liability of mother 145
12. Short title and commencement 145

INDUSTRIAL ASSURANCE ACT: To consolidate and amend the law in Northern Ireland relating to Industrial Assurance, and to make provision therein with respect to assurances on children's lives, war bond policies and policies to which the Courts (Emergency Powers) Act, 1914, applies and bond investment business. Ch. 21. .. 67

INDUSTRIAL ASSURANCE BUSINESS.

1. Industrial assurance business 68
2. Industrial Assurance Commissioner for Northern Ireland 69
3. Purposes for which policies may be issued 70
4. Assurances on children's lives 70
5. Prohibition on issue of illegal policies 71

SPECIAL PROVISIONS AS TO COLLECTING SOCIETIES.

6. Name of collecting societies 72
7. Deposits by collecting societies 72
8. Provisions as to be contained in rules 74
9. Obligation to deliver policies and copies of rules .. 75
10. Exemptions, total and partial 76
11. Special provision as to juvenile societies. 77

SPECIAL PROVISIONS AS TO INDUSTRIAL ASSURANCE COMPANIES.

12. Application of Act of 1909 to industrial assurance companies 77
13. Prohibition of charges on industrial assurance fund .. 80
14. Act to have effect notwithstanding memorandum, articles or special Act 80

ACCOUNTS, RETURNS, INSPECTION, VALUATIONS, MEETINGS.

15. Balance sheets and audit 81
16. Annual accounts and returns 81
17. Inspection 81
18. Provisions as to valuations 82
19. General meetings 85

RIGHTS OF OWNERS OF POLICIES.

20. Provisions as to proposals for policies 85
21. Forms of policies 87
22. Return of policies and premium receipt books after inspection 87
23. Notice before forfeiture 88
24. Provisions as to forfeited policies 88
25. Substitution of policies 90
26. Transfers from one society or company to another .. 91
27. Payment of claims 92
28. Policies to which 4 & 5 Geo. 5, c. 78 applies 92
29. Value of policies 93
30. War bond policies 93
31. Saving for certain policies issued before 3rd December, 1909 94

DISPUTES.

32. Disputes 94

PROVISIONS AS TO COLLECTORS, &C.

33. Disabilities of collectors, &c. 95
34. Restriction on employment of persons to procure new business 96
35. Notification of appointments of secretary and members of committee of management 96

Digitized by Google

INDUSTRIAL ASSURANCE ACT—*Continued.* PAGE

AMALGAMATIONS, TRANSFERS AND CONVERSIONS.
36. Transfer of engagements of collecting societies 96
37. Transfer of business from company to society 97
38. Conversion of collecting society into company 97

OFFENCES, NOTICES, &C.
39. Offences 98
40. Penalties for falsification 100
41. Notices 100

BOND INVESTMENT BUSINESS.
42. Amendment of law relating to bond investment business .. 100

GENERAL.
43. Regulations of Ministry of Commerce 101
44. Reports of Commissioner 102
45. Interpretation 102
46. Short title, construction, commencement, and repeal .. 103
Schedules .. ..

INDUSTRIAL ASSURANCE COMPANY:
Accounts and returns of 81
Certificate of Exemption of Society 76
Debentures or debenture Stock, not to issue 80
Dissolution or winding up of 85
Forfeiture of Policy 88
General Meetings to be held annually 85
Inspection of affairs of 81
Policy owner in, rights of 85
Policy, form of 87
Valuation, provisions as to 82

INDUSTRIAL ASSURANCE:
Business defined 68
Commissioner for Northern Ireland 69
Return of policy to owner 87

JUVENILE SOCIETY:
Certificate of Exemption of 77

LAND:
Proceeds of sale and disposition of *see* EXCHEQUER AND FINANCIAL PROVISIONS ACT 43

LAND ACQUISITION OF:
Borstal Institution *see* BORSTAL INSTITUTION. 39
Buildings for School Teachers *see* TRAINING OF SCHOOL TEACHERS 55
Constabulary *see* CONSTABULARY.
Criminal Lunatic Asylum *see* CRIMINAL LUNATIC ASYLUM. 39

LIBRARIES (PUBLIC):
Power of County Councils to adopt the Public Libraries' Acts 27
County Library Committee, Constitution of 27
Arrangements between existing authorities and County Councils 28
Expenses of County Councils and limit on rate.. .. 28
Transfer of property rights and liabilities 29
Co-operation with voluntary agencies.. 30

Digitized by Google

PAGE

LICENCE :
Rebate of Duty on *see* MECHANICALLY PROPELLED VEHICLE 61

LOANS GUARANTEE : To amend the Loans Guarantee Act (N.I.) 1922, by increasing the amount of loans which may be guaranteed under that Act as amended by subsequent enactments and extending the period for the giving of guarantees thereunder (c. 2) 3

LOANS : Maximum limit of guarantee applied towards or in connection with the carrying out of capital undertakings calculated to promote employment in Northern Ireland increased to five million pounds 3

LOCAL GOVERNMENT (Financial Provisions) : To amend Article 22 of the Schedule to the Local Government (Application of Enactments) Order, 1898, and Section ten of the Local Government Act (N.I.) 1923 (c. 6) 13

MARRIAGE :
With Deceased brother's widow *see* DECEASED BROTHER'S WIDOW. 108

MARKETING OF EGGS ACT (NORTHERN IRELAND) : To make provision for the licensing of wholesale dealers in eggs, the registration of premises where eggs are preserved, the better testing, grading and packing of eggs, and the better prevention of the sale of eggs unfit for human food ; and for other purposes connected therewith. Ch. 15 .. 46

1. Licensing of wholesale dealers in eggs 47
2. Registration of premises where eggs are preserved .. 48
3. Marking of egg packages and description of eggs. .. 48
4. Provision of packing accommodation at markets 49
5. Extension of 53 & 54 Vict., c. 59, s. 28 50
6. Powers of officers for carrying Act into execution .. 50
7. Power of Ministry to make rules and to enable local authorities to carry Act into execution 51
8. Provisions as to prosecution of offences and penalties .. 51
9. Expenses of Ministry and application of fines and payments 52
10. Short title, commencement and construction 52

MECHANICALLY PROPELLED VEHICLES :
Rebate of duty on surrender of licence 61

MEDICAL CERTIFICATION :
Cost of, under National Health Insurance 53

MINISTERS (TEMPORARY EXERCISE OF POWERS) : To make provision for (c. 11) 31

NATIONAL HEALTH INSURANCE ACT (NORTHERN IRELAND) : To make further provision with respect to the expenses of the administration of certain benefits under the Acts relating to National Health Insurance in Northern Ireland, and to amend section twenty-nine of the National Health

Digitized by Google

PAGE

NATIONAL HEALTH INSURANCE ACT—*Continued.*

Insurance Act, 1918, and for purposes connected therewith (Ch. 16.) 52
1. Provision as to cost of medical certification 52
2. Application of part of sums unclaimed in stamp sales account towards cancellation of arrears 54
3. Proceedings for recovery of contributions 54
4. Repeal 54
5. Short title and construction 54
Schedule 54

PENSION :
Declaration to be subscribed before receipt of 33

PERRY : Cesser of Licence Duty upon 62

PERMANENT ROAD WORK :
Money borrowed for not to be reckoned as part of total debt of County Council 13

POISONS :
See DANGEROUS DRUGS AND POISONS 5

POLICIES (INDUSTRIAL) :
Form of 87
Rights of owners of 85
See INDUSTRIAL ASSURANCE ACT .. .. ..

PRIVATE BILL PROCEDURE : To give full effect to certain enactments in their application to Private Bill Procedure in the Parliament of Northern Ireland, and to make further provision with respect thereto (c. 9) 23

PUBLIC BUILDINGS :
Proceeds of Sale and disposition of land or building .. 43

PUBLIC LIBRARIES ACT (NORTHERN IRELAND) : To amend the Public Libraries (Ireland) Acts, 1855 to 1920, in their application to Northern Ireland, and for other purposes incidental thereto (c. 10) 27
1. Power of county councils to adopt the Public Libraries Acts 27
2. Arrangements between certain existing library authorities and county councils 28
3. Expenses of county councils and limit on rate 28
4. Transfer of property, rights and liabilities 29
5. Co-operation with voluntary agencies 30
6. Short title, construction and saving 30

RECEIPT :
Exemption from Stamp Duty 64

ROYAL ULSTER CONSTABULARY DEPOT :
Acquisition of land and erection and equipment of buildings in connection with 39, 41

SPECIAL CONSTABULARY :
Grant for Salaries and Expenses of 134

STAMP DUTY, exemption from, of Turkish Securities ..
Receipt exemption from (*see* FINANCE ACT) 64

SUPERANNUATION ALLOWANCE :
Declaration to be subscribed before receipt of 33

TABLE WATERS : Cesser of duty 62

Digitized by Google

PAGE

TIME: To make provision for the permanent adoption in Northern Ireland of the time adopted for use in Great Britain (c. 24) 114
To be same in Northern Ireland for general purposes as in Great Britain 114

TOWN COMMISSIONERS:
Loan to by Ministry of Finance 13

TURKISH SECURITIES:
Exemption from Stamp duties 64

TRAINING OF SCHOOL TEACHERS:
Acquisition of land and erection and equipment of buildings in connection with 39

TREASURY BILLS:
Consolidated Fund 32, 132

UNEMPLOYMENT FUND: To enable the Ministry of Finance to make further advances for discharging the liabilities of the Northern Irish Unemployment Fund (c. 18) .. 59

UNEMPLOYMENT:
Borrowing powers for relief of 132, 134

UNEMPLOYMENT INSURANCE: To extend the powers of the Ministry of Labour to authorize the receipt of benefit in the first benefit year under Section four of the Unemployment Insurance Act (N.I.) 1922, as amended by the Unemployment Insurance Act (N.I.) 1923, and to apply those powers to the authorisation of benefit in the next benefit year; and for purposes connected therewith (c. 3) .. 4

UNEMPLOYMENT INSURANCE (TEMPORARY PROVISIONS): To empower the Governor of Northern Ireland to make temporary provision by Order in Council for the amendment of the Unemployment Insurance Acts (N.I.) 1920 to 1924 (c. 14) *45

UNEMPLOYMENT INSURANCE (NO. 2) ACT: To amend the Unemployment Insurance Acts (Northern Ireland), 1920 to 1924. (Ch. 25) 115
1. Rights of insured persons to unemployment benefit .. 115
2. Rates of unemployment benefit 118
3. Amendment as to statutory conditions 118
4. Amendments as to disqualifications for receipt of unemployment benefit 119
5. Amount of state contribution 119
6. Amendment of s. 12 (3) of principal Act 120
7. Amendments to s. 17 of principal Act 121
8. Suspension of power to make special schemes 122
9. Amendment as to refunds of contributions 123
10. Amendment as to recovery of sums received by way of benefit. 125
11. Power to make regulations with respect to appointment of persons to represent deceased or insane persons. 126
12. Provision as to persons employed on night work 126
13. Amendment of sub-section (2) of s. 14 of principal Act .. 126
14. Changes in insurance year 126
15. Consequential and minor amendments 126
16. Short title, construction, repeal, decision of questions and application 127
Schedules 128, 131

Digitized by Google

PAGE

UNEMPLOYMENT INSURANCE :

"Benefit year" defined 117
Insurance year, change in 126
Power to authorise benefit in first and next subsequent benefit years, and to adapt special schemes 4
Extension of benefit to second benefit year 4
Temporary provisions by Order in Council 45

VALUATION ACTS AMENDMENT ACT : To prescribe the method of ascertaining the annual rateable value of certain houses and buildings in Northern Ireland for the purposes of the Irish Valuation Acts (c. 29) 148

WAR BOND POLICIES :

Modification of by Industrial Assurance Commissioner .. 93

YOUNG PERSONS :

Restriction on employment of, in gunpowder factories, magazines and stores *see* EXPLOSIVES 12

Digitized by Google

TABLE IV

LOCAL ACTS

A TABLE OF THE TITLES OF THE LOCAL ACTS passed during the SESSION (arranged according to chapter) 13 & 14 GEO. 5.

ROYAL ASSENT, 29th May, 1924.

i. An Act to confirm a Provisional Order of the Ministry of Home Affairs for Northern Ireland relating to the Urban District of Bangor. (*Bangor Water.*)

ii. An Act to confirm a Provisional Order of the Ministry of Home Affairs for Northern Ireland relating to the Rural District of Coleraine. (*Castlerock Waterworks*).

iii. An Act to confer further Powers on the Belfast City and District Water Commissioners. (*Belfast Water.*)

iv. An Act to empower the Lord Mayor, Aldermen and Citizens of the City of Belfast to construct a Lock and Weir on the River Lagan; to construct a Wharf Embankment and Roadways; to make Street Improvements; to construct and work an Additional Tramway; to run Omnibuses within the City; to acquire Lands; to establish Superannuation and Pensions Funds; and to confer various further powers upon the Corporation in relation to the Good Government of the City; and for other purposes. (*Belfast Corporation.*)

v. An Act to provide for the Transfer to the Mayor Aldermen and Burgesses of the City of Londonderry of the Undertaking of the Londonderry Bridge Commissioners and to authorise the said Mayor, Aldermen and Burgesses to maintain work and regulate the same; to widen raise and reconstruct the Londonderry Bridge and the approaches thereto; to construct works for the purposes of their water undertaking and to make a street improvement; to confer further powers upon the said Mayor Aldermen and Burgesses with respect to their Water Electricity Markets and Omnibus Undertakings; to make further provision for the improvement and good government of the City; and for other purposes. (*Londonderry Corporation.*)

Digitized by Google

THE
LOCAL ACTS

[13 & 14 GEO. 5.]

CHAPTER i.

A.D. 1924.

An Act to confirm a Provisional Order of the Ministry of Home Affairs for Northern Ireland relating to the Urban District of Bangor. [29th May, 1924.]

WHEREAS the Ministry of Home Affairs for Northern Ireland has made the Provisional Order set out in the Schedule hereto under the provisions of the Public Health (Ireland) Act, 1878:

AND WHEREAS it is requisite that the said Order should be confirmed by Parliament:

Be it therefore enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Order in Schedule confirmed.

1. The Order set out in the Schedule hereto shall be and the same is hereby confirmed and all the provisions thereof shall have full validity and force.

Short title.

2. This Act may be cited as the Ministry of Home Affairs Provisional Order Confirmation (Bangor Water) Act, (Northern Ireland), 1924.

SCHEDULE.

URBAN DISTRICT OF BANGOR.

Bangor Water Order

PROVISIONAL ORDER TO ALTER AND AMEND THE BANGOR (COUNTY DOWN) WATER AND IMPROVEMENT ACT, 1905.

WHEREAS the Council of the Urban District of Bangor (in this Order referred to as "the Council") are the urban sanitary authority for the urban sanitary district of Bangor:

Digitized by Google

A.D. 1924.

5 Edw. 7, c. cxvi.

6 & 7 Geo. 5. c. xxvi. 13 & 14 Geo. 5. c. iii. (Northern Ireland).

AND WHEREAS the Bangor (County Down) Water and Improvement Act, 1905, (in this Order referred to as "the local Act") as amended and varied by the Bangor Gas Order, 1916, confirmed by the Local Government Board (Ireland) Provisional Order Confirmation (Gas) Act, 1916, and by the Bangor Gas Order, 1923, confirmed by the Bangor Gas Provisional Order Confirmation Act (Northern Ireland), 1923, is in force in the said district:

AND WHEREAS by section one hundred and two of the local Act it is enacted amongst other things that the Council may independently of any moneys which they had borrowed before the passing of the local Act or which they may be authorised to borrow under the provisions of any other Act borrow on interest on the security of the district fund or district rate for the following purposes any sums not exceeding the following sums, that is to say:—

(1) For the construction of the reservoir aqueducts mains and other works by the local Act authorised the sum of twenty thousand pounds; and

(2) For the laying of subsidiary water mains and pipes the sum of two thousand pounds;

AND WHEREAS the Council have made application to the Ministry of Home Affairs for Northern Ireland (in this Order referred to as "the Ministry of Home Affairs") for a provisional order altering and amending the said enactments of the local Act:

AND WHEREAS after inquiry it appears to the Ministry of Home Affairs expedient that the said enactments of the local Act should be altered and amended in manner hereinafter appearing:

41 & 42 Vict. c. 52.

NOW THEREFORE the Ministry of Home Affairs in pursuance of the powers given to it by section two hundred and five and section two hundred and fourteen of the Public Health (Ireland) Act, 1878, and of all other powers enabling it in that behalf hereby orders that from and after the date of the Act of Parliament confirming this Order the following provisions shall have effect, namely:—

Amendment of local Act.

1. The local Act shall be amended—

(*a*) by the substitution of the words "fifty-one thousand five hundred pounds" for the words "twenty thousand pounds" in paragraph (1) of section one hundred and two thereof; and

Digitized by Google

A.D. 1924.

(*b*) by the substitution of the words "fifteen thousand pounds" for the words "two thousand pounds" in paragraph (2) of the said section.

Expenses of Order.

2. The costs and expenses of the Council and the Ministry of Home Affairs incurred in respect of the application for preparation making and confirmation of this Order shall be paid out of any fund or rate applicable by the Council to defray the expenses incurred by them in the execution of the Public Health (Ireland) Acts, 1878 to 1918.

Short title.

3. This Order may be cited as the Bangor Water Order, 1924.

Given under the Seal of the Ministry of Home Affairs for Northern Ireland this Twenty-ninth day of March, 1924.

(Signed) GEO. A. HARRIS,
Assistant Secretary.

CHAPTER ii.

An Act to confirm a Provisional Order of the Ministry of Home Affairs for Northern Ireland relating to the Rural District of Coleraine.

[29th May, 1924.]

WHEREAS the Ministry of Home Affairs for Northern Ireland has made the Provisional Order set out in the Schedule hereto under the provisions of the Public Health (Ireland) Act, 1878:

AND WHEREAS it is requisite that the said Order should be confirmed by Parliament:

BE it therefore enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Order in Schedule confirmed.

1. The Order set out in the Schedule hereto shall be and the same is hereby confirmed and all the provisions thereof shall have full validity and force.

Digitized by Google

A.D. 1924.

Short title.

2. This Act may be cited as the Ministry of Home Affairs (Northern Ireland) Provisional Order Confirmation (Castlerock Waterworks) Act (Northern Ireland), 1924.

SCHEDULE.

RURAL DISTRICT OF COLERAINE.

Castlerock Waterworks Order.

PROVISIONAL ORDER TO ENABLE THE COUNCIL OF THE RURAL DISTRICT OF COLERAINE TO PUT IN FORCE THE COMPULSORY CLAUSES OF THE LANDS CLAUSES ACTS.

WHEREAS the Council of the Rural District of Coleraine (in this Order referred to as "the district council") require to purchase and take the lands water and rights described in the Schedule hereto for the purpose of providing a supply of water for the village and neighbourhood of Castlerock in their Rural District:

NOW THEREFORE the Ministry of Home Affairs for Northern Ireland in pursuance of the powers vested in it by section two hundred and three of the Public Health (Ireland) Act, 1878, and of all other powers enabling the Ministry in that behalf hereby orders that from and after the date of the Act of Parliament confirming this Order the following provision shall have effect, that is to say:

41 & 42 Vict. c. 52.

1. The district council shall be empowered to put in force with reference to the lands water and rights described in the Schedule hereto the powers of the Lands Clauses Act as amended by Section 8 of the Public Health (Ireland) Act, 1896, and modified by the Acquisition of Land (Assessment of Compensation) Act, 1919, with respect to the purchase and taking of lands otherwise than by agreement or any of them.

59 & 60 Vict. c. 54.
9 & 10 Geo. 5, c. 57.

2. Any Arbitrator for the purposes of this Order may on the application of the District Council award the provision of special supplies of water either in addition to or in substitution for other compensation.

3. For the purpose of this Order the expression "land" in the Lands Clauses Acts shall include the lands water and rights described in the Schedule hereto.

4. The costs and expenses of the District Council and the Ministry of Home Affairs for Northern Ireland incurred in respect of the application for preparation making and confirmation of this Order shall be paid by the District Council and the money required for that purpose shall be supplied by the County Council of Londonderry in the manner provided by the Local Government (Ireland) Act, 1898, as part of the expenses of the District Council.

61 & 62 Vict. c. 37.

Digitized by Google

A.D. 1924.

5. This Order may be cited as the Castlerock Waterworks Order, 1924.

THE SCHEDULE ABOVE REFERRED TO.

COUNTY OF LONDONDERRY.

RURAL DISTRICT OF COLERAINE—DISTRICT ELECTORAL DIVISION OF DOWNHILL.

No. of Plot on deposited plan.	Description of Property.	Area of land proposed to be taken.	Owners or reputed Owners	Occupiers.
	TOWNLAND OF ALTIKEERAGH.			
1	Mountain land and springs of water and the rights to convey and take water therefrom.	A. R. P. – – 2	Sir Hervey R. Bruce, Bt.	William Jackson.
	Field and springs of water and the rights to convey and take water therefrom.	– – 1	Same.	James Pollock. James Pollock.
3	Mountain & springs of water and the rights to convey and take water therefrom.	– – 1	Same.	W. A. W. Thorpe William M'Aleese John Hutchinson
	TOWNLAND OF BALLYHACKETT-GLENAHORRY.			
1	Field and springs of water and the rights to convey and take water therefrom.	– – 2	Same.	William Davis.
	TOWNLAND OF BURRENMORE.			
1	Field and springs of water and the rights to convey and take water therefrom.	– – 2	Same.	James Tosh.
	TOWNLAND OF DRUMAGULLY.			
1	Field and springs of water and the rights to convey and take water therefrom.	– – 4	Same.	Esther Hyndman
	TOWNLAND OF DOWNHILL.			
1	Field and springs of water and the rights to convey and take water therefrom.	A. R. P. – – 22	Same.	James Tanner
2	Plantation	– – 18	Same.	Sir Hervey R. Bruce, Bt.

Digitized by Google

A.D. 1924.

No. of Plot on deposited plan.	Description of Property.	Area of land proposed to be taken.	Owners or reputed Owners	Occupiers.
	TOWNLAND OF BALLYWOODOCK.			
	Waters rising in above mentioned lands and flowing to flax mills to be intercepted.		Sir Henry R. Bruce, Bt.	James Warke Samuel Thompson

Given under the Seal of the Ministry of Home Affairs for Northern Ireland this First day of May, 1924.

(Signed) S. WATT,
Secretary.

L. S.

CHAPTER iii.

An Act to confer further Powers on the Belfast City and District Water Commissioners.

[29th May, 1924.]

WHEREAS by the Belfast Water Acts 1840 to 1923 the Belfast City and District Water Commissioners (hereinafter called "the Commissioners") were incorporated and by those Acts their powers were from time to time regulated and extended.

And whereas it is expedient to authorise the Commissioners to borrow money from a Bank on the security of the transfer or deposit of securities representing investments of the Commissioners' Funds.

And whereas it is expedient to authorise the Commissioners to expend Capital Money on the extension of the Bathing Station at the Antrim Road Works.

And whereas it is expedient to authorise the Commissioners to purchase or repay the Commissioners' Stock

Digitized by Google

A.D. 1924.

at any time before its redemption date and to make provision for stock so purchased or repaid being extinguished or re-issued.

And whereas it is expedient to amend the provisions of Section 22 of the Belfast Water Act 1884 and Section 31 of the Belfast Water Act 1897 and Section 15 of the Belfast Water Act 1903 by increasing the distance for laying pipes authorised by those Sections.

And whereas the Commissioners are the owners of Water Rights which can be sold released or let without detriment to their Undertaking and it is expedient that the Commissioners should be authorised to sell release or let the same.

And whereas it is expedient to empower the Commissioners to enter into and to carry into effect agreements for the supply of water on such terms and conditions and for such periods as they may think fit.

And whereas it is expedient that provision should be made for enabling the Commissioners to charge the costs of repairs of defective pipes and fittings to the owners of the premises in which such pipes or fittings are situated.

And whereas it is expedient that the other powers in this Act contained should be conferred on the Commissioners.

And whereas the purposes of this Act cannot be effected without the authority of the Parliament of Northern Ireland.

MAY IT THEREFORE PLEASE YOUR MAJESTY:

That it may be enacted and be it enacted by the King's Most Excellent Majesty and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title.

1. This Act may be cited as the Belfast Water Act (Northern Ireland), 1924.

Citation of Acts.

2. This Act and the Belfast Water Acts 1840 to 1923 may be cited together as the Belfast Water Acts 1840 to 1924 and shall be read and construed together as one Act.

Digitized by Google

A.D. 1924.

Interpretation.

3. In this Act the several words and expressions to which the meanings are assigned by the Belfast Water Acts 1840 to 1923 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

And in this Act:

"The Act of 1879" means the Belfast Water Act 1879.

"The Act of 1884" means the Belfast Water Act 1884.

"The Act of 1893" means the Belfast Water Act 1893.

"The Act of 1897" means the Belfast Water Act 1897.

"The Act of 1899" means the Belfast Water Act 1899.

"The Act of 1903" means the Belfast Water Act 1903.

"The Act of 1920" means the Belfast Water Act 1920.

"The Commissioners" means the Belfast City and District Water Commissioners acting under the Belfast Water Acts 1840 to 1923 and this Act.

"The Undertaking" "The Works" and similar expressions shall be taken to mean the Lands and Works acquired and constructed or authorised by the Belfast Water Acts 1840 to 1923 and this Act.

Power to borrow from Bank.

4.—(1) The Commissioners may when they are authorised by any borrowing power to raise money for any purpose exercise the said power to raise the said money or any part thereof by borrowing from any Bank, and it shall be lawful for the Commissioners as security for any sums so borrowed by them to transfer to such Bank any stocks or other securities in which any of the Funds of the Commissioners may for the time being be invested or to deposit with such Bank the documents of title to any such stocks or securities.

(2) Any moneys borrowed by the Commissioners in exercise of the powers conferred upon them by this Sec-

Digitized by Google

A.D. 1924.

tion shall be repaid within the periods prescribed by the Belfast Water Acts 1840 to 1923 for repayment of money borrowed from the Commissioners' Funds and for the purposes of such repayment the Commissioners may exercise their borrowing powers under the said Acts by the issue of stock, mortgages or bills to such amount as may be necessary, and upon such repayment any stocks or other securities transferred to or documents of title deposited with such Bank as security for the moneys borrowed by the Commissioners shall be re-transferred or re-delivered to the Commissioners.

Power to expend Capital money on Antrim Road Works.

5. The Commissioners may (in addition to any other moneys which they are authorised to expend under Section 68 of the Act of 1893 and Section 52 of the Act of 1899) expend out of money authorised to be borrowed for the general purposes of the Undertaking a sum not exceeding Five Thousand Pounds in extending the Bathing Station at the Antrim Road Works.

Power to repay Stock before redemption date.

6. The Commissioners may purchase or repay by agreement stock issued under the provisions of the Belfast Water Acts 1840 to 1923 at any time before its redemption date and stock so purchased or repaid may at the Commissioners' option be extinguished or re-issued for the remainder of the period prescribed for the repayment thereof Provided that such stock shall not be purchased or repaid at a price exceeding the par value of such stock or other fixed rate of redemption.

Extension of Power to Lay Pipes.

7. The powers conferred upon the Commissioners by Section 22 (general power to lay pipes) of the Act of 1884 Section 31 (extension of power to lay pipes) of the Act of 1897 and Section 15 (extension of power to lay pipes) of the Act of 1903 are hereby extended and the first mentioned Section shall be read and have effect as if the words "fourteen miles" had been inserted therein instead of the words "four miles."

Power to Sell, Release or Let Water Rights.

8.—(1) If in the opinion of the Commissioners any water rights acquired by or vested in them can without detriment to the undertaking be sold or released or let for any period they may sell or release or may let for any period such water rights for the best price or other consideration reasonably obtainable and on such terms and

Digitized by Google

A.D. 1924.

conditions as they may think fit and may do and execute any deed act or thing proper for effectuating any such sale release or letting and the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous land shall not apply to any such water rights.

(2) All moneys which shall be received by the Commissioners by way of purchase money or fine in consideration of any sale release or letting of water rights under the powers conferred by this Section shall be applied by them to purposes to which capital moneys are applicable under the Belfast Water Acts and all moneys received by way of rent shall be applied as part of the revenue of the Commissioners.

(3) On any such sale release or letting a copy of a Resolution of the Commissioners authorising or confirming such sale release or letting certified by the Secretary of the Commissioners shall be sufficient evidence of the powers of the Commissioners to make such sale release or letting.

Power to enter into Agreements for supply of Water.

9. Notwithstanding anything to the contrary contained in the Belfast Water Acts 1840 to 1923 the Commissioners may enter into and carry into effect Agreements with any local authority company or persons for the supply of water to any such authority company or persons respectively for any purpose and for such remuneration and on such terms and conditions and for such periods as may be agreed upon.

Provided always that Section 24 (power to supply water beyond the limits of the Borough of Belfast) of the Act of 1879 and Section 26 (provisions as to supply of water to Municipal Commissioners and others outside of borough) of the Act of 1884 shall continue to apply to and have effect with regard to any agreements for the supply of water by the Commissioners beyond their district of supply.

Extension of Section 21 of Act of 1920.

10. The Commissioners may give the notice mentioned in Section 21 (Commissioners may repair defective service or other pipes and charge for same) of the Act of 1920 either to the person liable to pay the rate for the water supplied to the premises in which the defective pipes or fittings mentioned in that Section are situated or to the owner (as defined in the Act of 1884) of such

Digitized by Google

premises or to the occupier thereof and may at their option charge the costs of the repairs mentioned in that section either to the person liable to pay the rate for the water supplied to the said premises or to the owner thereof and may recover the said costs summarily either from such person or from such owner in manner provided by Section 86 (summary proceedings for penalties) of the Act of 1884. A.D. 1924.

Provided always that nothing herein contained shall affect any contract between the owner and the lessee or occupier of any premises with respect to the liability to keep such premises in repair.

11. All costs charges and expenses of and incident to the preparing obtaining and passing of this Act or otherwise in relation thereto (as the same shall be taxed by the Taxing Officer of the Parliament of Northern Ireland) shall be paid by the Commissioners out of the Rates authorised to be levied or the moneys authorised to be borrowed by the Belfast Water Acts 1840 to 1923 and this Act and if paid out of borrowed money shall be repaid within five years from the passing of this Act. Costs of Act.

CHAPTER iv.

An Act to empower the Lord Mayor, Aldermen and Citizens of the City of Belfast to construct a Lock and Weir on the River Lagan; to construct a Wharf Embankment and Roadways; to make Street Improvements; to construct and work an Additional Tramway; to run Omnibuses within the City; to acquire Lands; to establish Superannuation and Pensions Funds; and to confer various further powers upon the Corporation in relation to the Good Government of the City; and for other purposes.

[29th May, 1924.]

WHEREAS the City of Belfast (in this Act called "the City") is a county borough subject to the Acts relating to municipal corporations in Northern Ireland and the Lord

Digitized by Google

A.D. 1924.

Mayor Aldermen and Citizens of the City (in this Act called "the Corporation") acting by the Council are the urban sanitary authority for the district thereof:

AND WHEREAS the several local Acts and Orders mentioned in the First Schedule to this Act are in force within the city which Acts and Orders are in this Act referred to collectively as "the former Acts" and each of them separately as an Act or Order of the year in which the same was passed or made:

AND WHEREAS it is expedient that the Corporation should be authorised to construct the Lock and Weir on the River Lagan and the wharf embankments roadways and towpath in this Act described and to exercise in relation thereto the powers by this Act conferred:

AND WHEREAS it is expedient that the Corporation should be authorised to make the street works in this Act described and to exercise in relation thereto the powers by this Act conferred;

AND WHEREAS under powers of certain of the former Acts the Corporation own and work the tramways in the city and in districts adjoining the city and it is expedient that the Corporation should be empowered to construct and work the further tramway by this Act authorised:

AND WHEREAS it is expedient and will be of public and local advantage that the Corporation should be empowered to provide and run Omnibuses:

AND WHEREAS it is expedient that the Corporation should be empowered to acquire compulsorily and to hold and deal with lands for the purposes of this Act:

AND WHEREAS it is expedient that the Corporation should be empowered to provide superannuation allowances for their officers and servants and to establish a superannuation fund:

AND WHEREAS it is expedient that further powers should be conferred upon the Corporation with respect to the good government and management of the City:

AND WHEREAS it is expedient that the other provisions in this Act contained should be enacted:

AND WHEREAS the objects aforesaid cannot be attained without the authority of Parliament:

Digitized by Google

A.D. 1924.

AND WHEREAS estimates have been prepared by the Corporation of the cost of constructing the works by this Act authorised and of giving effect to other purposes of this Act including the amount necessary for the purchase of lands for those purposes or adjacent to the said works and such estimates are as follows—

For and in connection with the said lock weir embankments roadways and towpath £373,435.

For street works £303,000.

For and in connection with the said tramway and the tramway undertaking £9,400.

AND WHEREAS the several works included in such estimates respectively are permanent works and it is expedient that the cost thereof should be spread over a term of years:

AND WHEREAS in relation to the promotion of the Bill for this Act the requirements of the Borough Funds (Ireland) Act 1888 have been observed:

AND WHEREAS plans and sections showing the lines situation and levels of the several works by this Act authorised and plans showing the lands which may be acquired or used under the powers of this Act and a book of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees and of the occupiers of, and describing such lands have been deposited with the clerk of the peace for the County of Antrim and the City of Belfast and the clerk of the peace for the County of Down and are in this Act referred to as the deposited plans sections and book of reference.

MAY IT THEREFORE PLEASE YOUR MAJESTY

That it may BE ENACTED AND BE IT ENACTED by the KING'S MOST EXCELLENT MAJESTY by and with the advice and consent of the Senate and the House of Commons of Northern Ireland in this present Parliament assembled and by the authority of the same as follows (that is to say)—

PART I.—PRELIMINARY.

Short and collective Titles.

1. This Act may be cited as the Belfast Corporation Act (Northern Ireland), 1924, and this Act and the former Acts may be cited as the Belfast Local Acts 1845 to 1924.

Digitized by Google

Act divided into parts.

2. This Act is divided into Parts as follows—

Part I.—Preliminary.
Part II.—Works on River Lagan.
Part III.—Street Works.
Part IV.—Tramway.
Part V.—Omnibuses.
Part VI.—General Provisions as to Works.
Part VII.—Lands.
Part VIII.—Superannuation.
Part IX.—Financial.
Part X.—Miscellaneous.

Incorporation of Lands Clauses Acts.

3. The Lands Clauses Acts (so far as the same are respectively applicable for the purposes of and not varied by or inconsistent with this Act) are hereby incorporated with this Act with the following exception and modification—

(*a*) Sections 127 and 133 of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act;

(*b*) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section:

Provided that for the purposes of such incorporation the Railways Act (Ireland) 1851 and the Acts amending the same shall be read and have effect as if the Corporation were a railway company and the works by this Act authorised were railways and the lands by this Act authorised to be acquired were required for the purposes of a railway.

Interpretation.

4. In this Act unless otherwise expressly provided or the context otherwise requires—

Terms to which meanings are assigned by the Lands Clauses Acts or by the Public Health Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction;

Digitized by Google

A.D. 1924.

"The city" means the city and county borough of Belfast as constituted for the time being;

"The Corporation" means the Lord Mayor Aldermen and Citizens of the city;

"The Council" means the council of the city;

"The borough fund" and "the borough rate" mean the borough fund and the borough rate of the city;

"The public health fund" and "the public health rate" mean the borough fund and the borough rate so far as that fund and rate are applicable to purposes of the Public Health Acts;

"The general purposes fund" and "the general purposes rate" mean respectively the general purposes fund and the general purposes rate of the city;

"The tramway" means the tramway authorised by this Act;

"The Corporation tramways" means and includes all tramways for the time being belonging or leased to or worked by the Corporation;

"The tramway undertaking" means the tramway undertaking of the Corporation as authorised for the time being by the former Acts and this Act and any future Act amending or extending the same;

"Tramway revenue" means all moneys received by the Corporation on account of the tramway undertaking other than moneys received on capital account;

"The Public Health Acts" means the Public Health (Ireland) Act, 1878 and any Act or Acts amending the same;

"Vessel" means any ship barge lighter boat or craft of any kind or description and however propelled and includes Seaplanes, Hydroplanes, and similar craft;

"The Ministry of Home Affairs" means the Ministry of Home Affairs in Northern Ireland;

Digitized by Google

A.D. 1924.

"The Ministry of Commerce" means the Ministry of Commerce for Northern Ireland;

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture-stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by Section 34 of the Local Loans Act 1875 but does not include annuities rent-charges or securities transferable by delivery or any securities of the Corporation.

"Statutory borrowing power" means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rent-charge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government Department made or given or to be made or given by authority of any Act of Parliament passed or to be passed.

PART II.—WORKS ON RIVER LAGAN.

Power to execute works on River Lagan.

5. Subject to the provisions of this Act the Corporation may in the lines and situations shown on the deposited plans and according to the levels shown on the deposited sections make and maintain the following works in the City (that is to say)—

Work No. 1—A widening and deepening of the River Lagan on the right or eastern side thereof between the confluence of that river with the Glentoran stream and a point 1 furlong 9.3 chains or thereabouts south of the said confluence.

Work No. 2—A lock and weir across the said River Lagan above the confluence of the River Blackstaff with that river.

Digitized by Google

A.D. 1924.

Work No. 3—A wharf or landing place partly on the left bank of the said river Lagan and partly on the bed of that river.

Work No. 4—A wall or embankment partly on the right bank of the said River Lagan and partly on the bed of that river.

Work No. 5—A wall or embankment partly on the left bank of the said River Lagan and partly on the bed of that river.

Work No. 6—A new road commencing by a junction with Ravenhill Road and terminating by a junction with Annadale Avenue.

Work No. 7—A new road commencing by a junction with Stranmillis Road and terminating by a junction with Ormeau Road.

Work No. 8—A towpath along the left bank of the said River Lagan.

Subsidiary works in connection with works authorised by this Part of Act.

6. Subject to the provisions of this Act the Corporation may for the purposes of constructing maintaining renewing and repairing any of the works authorised by this Part of this Act alter or interfere with the banks bed and foreshore of the River Lagan and place and maintain permanently or temporarily such caissons coffer dams piles and other works in the channel and waterway thereof and erect or place temporarily such staging and pontoons in upon or over the said channel and waterway as may be necessary or convenient for any of the purposes aforesaid or in connection with any of the said works.

Subsidiary works in connection with lock and weir.

7. Subject to the provisions of this Act the Corporation may in connection with the lock and weir (Work No. 2) authorised by this Part of this Act and within the limits of deviation marked on the deposited plans make maintain renew and repair in upon or near to the bed and banks of the River Lagan all such gates weirs sluices walls embankments culverts channels by-passes drains gates piles posts mooring posts fences approaches and other works and conveniences as they may think fit and may on such occasions and for such periods as may be necessary for any of those purposes interrupt the navigation of the said river. Provided that the Corporation shall not on

Digitized by Google

A.D. 1924.

any such occasion interrupt the navigation of the said river without the consent in writing of the Belfast Harbour Commissioners which consent the said Commissioners shall not unreasonably withhold.

Subsidiary works in connection with wharf.

8. Subject to the provisions of this Act the Corporation may in connection with the Wharf or landing-place (Work No. 3) authorised by this Act provide erect maintain renew and repair all such tips staiths stairs cranes hydraulic electric and other lifts hoists drops traversers machinery plant apparatus and appliances as they may deem necessary or convenient.

Any Electric Works provided erected or maintained by the Corporation under this Section shall be so constructed maintained and used as to prevent any interference with any telegraphic line (as defined by the Telegraphic Act, 1878) belonging to or used by the Postmaster General or with telegraphic communication by means of any such line.

Power to dredge, etc.

9. Subject to the provisions of this Act the Corporation may for the purposes of or in connection with any of the works authorised by this Part of this Act or for the purposes of making and maintaining accesses to the wharf or landing-place (Work No. 3) and the embankments (Works Nos. 4 and 5) so authorised dredge deepen or otherwise alter the said River Lagan.

Power to reclaim lands.

10. Subject to the provisions of this Act the Corporation may fill in and level such parts of the bed and banks of the River Lagan as will be on the landward side of the walls or embankments (Works Nos. 4 and 5) authorised by this Part of this Act and the lands so filled in and levelled shall by virtue of this Act be vested in the Corporation and the Corporation may hold and use or dispose of the same for such purposes as they may think fit.

Vesting of Works.

11. The several works authorised by this Part of this Act shall when constructed vest in and be the property of the Corporation but the Corporation shall not in respect of the lock and weir (Work No. 2) acquire any greater right or interest in the bed of the river Lagan than an easement or right of constructing using and maintaining the said work.

Digitized by Google

A.D. 1924.

Provisions with regard to construction of said works.

12. The Corporation shall in constructing the works authorised by this Part of this Act observe the following conditions and provisions which shall have effect and be binding upon the Corporation.

(*a*) The lock and weir (Work No. 2) and the wharf or landing-place (Work No. 3) shall be constructed generally in the positions and to the dimensions shown on the plan marked with the letter "C" and signed for the purpose of identification by Sir Robert Anderson chairman of the Joint Committee to whom the Bill for this Act was referred of which plan one copy has been deposited in the office of the Clerk of the Parliaments.

(*b*) The Corporation shall provide and construct suitable facilities for checking and mooring barges both above and below the said lock.

(*c*) In the construction of the said weir sufficient sluices shall be provided to enable the reach between the said weir and the existing first lock at Stranmillis to be unwatered at low tide.

(*d*) The said lock and weir (Work No. 2) shall be so constructed that upon the completion of the said lock the level of the bottom of the said lock and of the bed of the channel approaching the said lock both above and below the said lock shall not deviate vertically more than one foot upwards or downwards from the levels shown on the deposited plans.

(*e*) The said wharf or landing-place (Work No. 3) shall be recessed into the bank of the river so as to allow for the free passage of barges into and out of the said lock.

(*f*) The said works shall be constructed at such times and in such manner as will not interfere with the passage of the ordinary traffic up and down the river except with the consent of the Belfast Harbour Commissioners which consent shall not be unreasonably withheld.

(*g*) The Corporation shall unless otherwise agreed between the Corporation and the Belfast Harbour Commissioners complete the tow-path (Work No. 8) so that the same shall be ready for use simultaneously with the opening of the lock to traffic.

(*h*) The Corporation shall erect a suitable house at the lock for the use of a lock-keeper.

Digitized by Google

A.D. 1924.

(*i*) If any dispute or difference shall at any time arise between the Corporation on the one part and the Belfast Harbour Commissioners on the other part as to any matter relating to the construction of the works authorised by this Part of this Act including any dispute as to whether or not the consent of the Belfast Harbour Commissioners has been unreasonably withheld such dispute or difference shall be settled by an engineer to be agreed upon by the parties as arbitrator or failing agreement to be appointed upon the application of either party by the president of the Institution of Civil Engineers and the decision of such arbitrator shall be final and binding and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct.

Power to regulate flow of water in River Lagan.

13. Subject to the provisions of this Act the Corporation may by means of the said weir hold up control and regulate the flow of water in the River Lagan and the said weir shall for all purposes be under the exclusive control and management of the Corporation and their officers and servants duly authorised in that behalf:

Provided that the Corporation shall exercise the powers conferred on them by this section in such a manner as to obviate so far as reasonably possible any interference with or impediment or obstruction to the safe and convenient passage of vessels up and down the River Lagan above and below the said weir or injury to any vessel properly moored in the said river.

For the protection of Belfast Harbour Commissioners.

14. For the protection of the Belfast Harbour Commissioners (in this section called the "Commissioners") the following provisions shall unless otherwise agreed between the Corporation and the Commissioners have effect (that is to say):—

(*a*) No works or conveniences shall be constructed by the Corporation under the authority of this Part of this Act in upon above or under the River Lagan or the bed soil or foreshore thereof otherwise than in accordance with plans sections and specifications approved by the Commissioners. Provided that the approval of the Commissioners to any plans sections or specifications shall not be unreasonably withheld and provided also that if the Commissioners do not within thirty days after receipt by them of any plans sections or specifications submitted to them

Digitized by Google

A.D. 1924.

by the Corporation as aforesaid signify their approval or disapproval thereof or give any directions in relation thereto they shall be deemed to have approved thereof.

(*b*) If any dispute or difference shall arise between the Corporation and the Commissioners with respect to anything contained or provided for in this section (including any dispute as to whether or not the approval of the Commissioners to any plans sections or particulars has been unreasonably withheld) such dispute or difference shall be settled by an engineer to be agreed upon by the parties as arbitrator or failing agreement to be appointed upon the application of either party by the President of the Institution of Civil Engineers and the decision of such arbitrator shall be final and binding and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct.

Maintenance of works.

15. The Corporation shall keep the lock and weir (Work No. 2) the wharf or landing-place (Work No. 3) the walls and embankments (Works Nos. 4 and 5) and the tow-path (Work No. 8) authorised by this Part of this Act in good order repair and condition at all times so as not to interfere with impede or obstruct the navigation of the River Lagan and shall restore and renew the same when necessary. Provided always that if any injury or damage is at any time caused to any of the works authorised by this Part of this Act by any negligence or default or wrongful act of the Belfast Harbour Commissioners or any of their servants or agents the said Belfast Harbour Commissioners shall pay to the Corporation the full cost and expenses of repairing and making good such injury and damage.

Dredging of River Lagan after completion of lock and weir.

16.—(1) On or before the completion of the construction of the said lock and weir (Work No. 2) authorised by this Part of this Act the Corporation shall divert the existing navigable channel of the river by dredging proper and sufficient approaches therefrom to the said lock both above and below the lock and shall also dredge the said river below the weir so as to provide a proper passage into the existing channel for the water flowing over the weir such dredging to be carried out to the reasonable satisfaction of the Belfast Harbour Commissioners and thereafter the Corporation shall not be responsible for the dredging of any portion of the said river save that the

Digitized by Google

A.D. 1924.

Corporation shall dredge and remove any spoil or material which in the course of the construction of any of the works authorised by this Part of this Act may be deposited in the said river between the said walls or embankments (Works Nos. 4 and 5).

(2) Save as aforesaid any dredging which may be reasonably necessary after the completion of the said lock and weir (Work No. 2) to maintain the present navigable channel in the river between the said lock and weir (Work No. 2) and the existing first lock at Stranmillis or an equivalent navigable channel in said river to a sufficient depth to allow the passage as at present of vessels of a similar class dimensions and draught to those now using same shall be carried out by and at the expense of the Belfast Harbour Commissioners.

Unwatering of reach above lock and weir.

17. If at any time after the construction of the said lock and weir (Work No. 2) either the Corporation or the Belfast Harbour Commissioners or the Lagan Navigation Company require the reach between the said lock and weir and the existing first lock at Stranmillis to be unwatered for the purpose of effecting necessary repairs or other reasonable purpose the party so requiring the said reach to be unwatered shall give reasonable notice to the others of the aforementioned parties and such reach shall be unwatered accordingly by the Corporation and the period of the unwatering shall not be unnecessarily extended.

Management of lock by Belfast Harbour Commissioners.

18. After the completion of the construction of the lock and weir (Work No. 2) authorised by this Act the control working and management of the said lock shall be undertaken by the Belfast Harbour Commissioners and the said Belfast Harbour Commissioners may exercise the following powers in relation thereto, namely—

(*a*) They may work use open and close the said lock at such times as may be proper either for the purpose of passing vessels through the same or for the purpose of admitting water through the same or for the purpose of preventing the passage of vessels or of water through the same and for the purposes aforesaid they may hold up control and regulate the flow of water through the said lock and may interrupt the navigation of and the passage of vessels upon the said river.

Digitized by Google

(*b*) They may demand and recover such reasonable tolls or charges as they may from time to time with the consent of the Ministry of Commerce determine for the passage of vessels through the said lock and may if they think fit refuse to permit any vessel to pass through the said lock until the toll or charge payable in respect of such passage has been paid,

Provided always that the said Belfast Harbour Commissioners shall not in the exercise of the powers conferred upon them by this section lower the level of the water in the said River Lagan above the said lock and weir at any time save with the consent of the Corporation or to such extent as may arise from the using of the lock for the passage of vessels to a height less than the height to which the said level would be maintained by the said weir.

Tolls to be charged equally and posted on the premises.

19. The tolls and charges authorised by this Part of this Act for the passage of vessels through the lock shall be posted conspicuously for the information of all persons concerned upon the said lock and shall be at all times charged equally to all persons for or in respect of persons vessels and things under the same circumstances and no reduction exemption or advance in the said tolls or charges shall be made either directly or indirectly partially or in favour of or against any particular body or person.

Powers of user of wharf by Corporation.

20. The said wharf or landing-place (Work No. 3) shall be used solely for the loading and discharge of goods belonging to the Corporation or arising from their works or undertakings or intended to be used by or for the purposes of the Corporation or in connection with their works or undertakings ; Provided that nothing herein contained shall confer any exemption in respect of rates, tolls or duties chargeable by the Belfast Harbour Commissioners in respect of vessels using said wharf or landing-place or goods loaded or discharged thereat other than the exemptions already conferred by any Act or Acts of Parliament in that behalf.

Employment of officers and payment of tolls and charges.

21. The Belfast Harbour Commissioners may employ and pay all such officers and persons as they may deem necessary or convenient for the purposes of this Part of this Act and all tolls and charges payable under the pro-

Digitized by Google

A.D. 1924.

visions of this Part of this Act shall be paid to and may be recovered by such officers and servants of the said Commissioners as may for the time being be duly authorised by the said Commissioners in that behalf.

Power to make by-laws.

22.—(1) The Belfast Harbour Commissioners may from time to time make by-laws for and with respect to the regulation control management and use of the said lock authorised by this Part of this Act and may by any such by-laws provide for imposing a penalty not exceeding forty shillings (to be recovered summarily) for the breach or non-observance of any such by-laws.

(2) The provisions of the Harbours Docks and Piers Clauses Act 1847 as modified by the Belfast Harbour Act (Northern Ireland) 1922 shall apply to all by-laws made by the Belfast Harbour Commissioners under this section.

Works below high water mark to be subject to approval of Ministry of Commerce and Board of Trade.

23. Subject to the provisions of this Act any of the works authorised by this Act to be constructed on, over or under tidal lands below high water mark of ordinary spring tides shall be constructed only in accordance with such plans and sections and subject to such restrictions and regulations as previous to such works being commenced have been approved by the Ministry of Commerce and the Board of Trade in writing under the hand of the Secretary or Assistant Secretary of the Ministry of Commerce and the hand of the Secretary or an Assistant Secretary of the Board of Trade.

Any alteration or extension of any such works shall be subject to the like approval.

If any such work be commenced or completed contrary to the provisions of this section the Ministry of Commerce or the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Corporation and the amount of such cost shall be a debt due from the Corporation to the Ministry of Commerce or to the Crown as the case may be and shall be recoverable by means of civil proceedings or as a debt due to the Crown.

Survey of works by Ministry of Commerce or Board of Trade.

24. If at any time the Ministry of Commerce or the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Corporation on in over through or across

Digitized by Google

tidal lands or tidal water or of the intended site of any such work the Corporation shall defray the expenses of the survey and examination and the amount thereof shall be a debt due from the Corporation to the Ministry of Commerce or to the Crown as the case may be and shall be recoverable by means of civil proceedings or as a debt due to the Crown.

Abatement of work abandoned or decayed.

25. If a work constructed by the Corporation on in over through or across tidal lands or a tidal water is abandoned or suffered to fall into decay the Ministry of Commerce or the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Corporation and the amount of such expense shall be a debt due from the Corporation to the Ministry of Commerce or to the Crown as the case may be and shall be recoverable by means of civil proceedings or as a debt due to the Crown.

Provision against danger to navigation.

26. In case of injury to or destruction or decay of the weir or works or any part thereof the Corporation shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Belfast Harbour Commissioners the Ministry of Commerce and the Board of Trade and shall apply to the said Commissioners and that Ministry and to that Board for directions as to the means to be taken and the Corporation shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Lights on works during construction.

27. The Corporation shall at or near the works below high water mark hereby authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Ministry of Commerce and the Board of Trade from time to time require or approve.

If the Corporation fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Digitized by Google

A.D. 1924.

Permanent lights on works.

28. The Belfast Harbour Commissioners shall at the outer extremity of the works below high water exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Commissioners of Irish Lights shall from time to time direct.

If the Belfast Harbour Commissioners fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Life Buoys to be kept.

29. The Belfast Harbour Commissioners shall at all times keep at the outer extremity of the lock and the wharves or landing places and at reasonable distances thereon and in accordance with any requirements which may be made by the Ministry of Commerce a sufficient number of life buoys and lines in good order and fit and ready for use.

Completion of works.

30. If the works numbered 2 and 3 authorised by this Part of this Act are not completed within fifteen years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporation for making such works or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

PART III.—STREET WORKS.

Power to execute street works.

31. Subject to the provisions of this Act the Corporation may in the lines and situations shown on the deposited plans and according to the levels shown on the deposited sections make and maintain the following street works all of which works with the exception of Work No. 36A hereinafter described are situate wholly within the city.

Work No. 9—A widening and improving of the Shore Road on the east side thereof :—

(*a*) between points respectively 0.33 chain south and 1.45 chains north of the junction of Catherine's Row and Shore Road.

(*b*) between a point 2.7 chains south of the junction of Barbour Street and Shore Road and the boundary of the city.

Digitized by Google

A.D. 1924

Work No. 10—A widening and improving of the said Shore Road on the eastern side thereof between points respectively 5.74 chains or thereabouts south and 1 furlong 1.4 chains or thereabouts north of the junction of Gray's Lane with Shore Road.

Work No. 11—A widening and improving of Antrim Road on the east side thereof between points respectively 0.6 chain and 3.9 chains or thereabouts north of the junction of Chichester Park and Antrim Road.

Work No. 11A—A widening and improving of Antrim Road on the west side thereof between Chichester Road and a point 2.75 chains or thereabouts south of the junction of Chichester Park with Antrim Road (not exceeding 6 feet in depth at the property known as "Lancetta" 394 Antrim Road and numbered 4 on the deposited plans).

Work No. 12—A widening and improving of Limestone Road on the north-east side thereof between York Road and Antrim Road.

Work No. 12A—A widening and improving of Cavehill Road on the west side thereof between Antrim Road and the boundary of the city.

Work No. 13—A widening and improving of Crumlin Road on the south-west side thereof :—

(*a*) between a point 7.2 chains or thereabouts north-west of a point opposite the north-west side of Ardoyne Road and a point 1.3 chains or thereabouts north-west of the junction of Ballysillan Road with Crumlin Road.

(*b*) between Glenbank Road and a point 5.5 chains or thereabouts north-west of the junction of Ballysillan Road and Crumlin Road.

Work No. 14—A widening and improving of Oldpark Road on the east side thereof between Manor Drive and a point 2.4 chains or thereabouts north thereof.

Work No. 14A—A widening and improving of Oldpark Road on the west side thereof :—

(*a*) between Benwell Street and a point 1.65 chains or thereabouts south thereof.

(*b*) between Byron Street and a point 3.5 chains or thereabouts north thereof.

Digitized by Google

A.D. 1924.

Work No. 16—A widening and improving of Skipper Street on the east side thereof between points respectively 1.17 chains and 2.57 chains or thereabouts south of Waring Street.

Work No. 17—A widening and improving of New Lodge Road and Donore Street on the south and east sides thereof respectively between a point in New Lodge Road 0.65 chain or thereabouts east of Donore Street and a point in Donore Street 2.3 chains or thereabouts south of New Lodge Road.

Work No. 18—A widening and improving of Millfield on the west side thereof between points respectively 0.55 chain and 2.8 chains south of North Street.

Work No. 19—A widening and improving of Upper Library Street on the east side thereof between North Street and Kent Street.

Work No. 20—A widening and improving of the Shankill Road on the north side thereof between points respectively 0.76 chain and 1.24 chains west of M'Tier Street.

Work No. 21—A widening and improving of Sandy Row on the east side thereof between Renwick Street and a point 0.9 chain or thereabouts south thereof.

Work No. 22—A widening and improving of Lagan Street on the south side thereof between Verner Street and a point 1.5 chains or thereabouts east thereof.

Work No. 23—A widening and improving of University Road on the east side thereof between points respectively 0.35 chain and 1.15 chains or thereabouts south of Upper Crescent.

Work No. 23A—A widening and improving of University Road on the west side thereof between Fountainville Avenue and a point 2.95 chains or thereabouts north thereof.

Work No. 24—A widening and improving of University Road on the east side thereof between points respectively 0.6 chain and 3.9 chains or thereabouts south of the junction of Wellington Park and University Road.

Work No. 24A—A widening and improving of University Road on the west side thereof between Wellington Park and a point 2.6 chains south thereof.

Digitized by Google

A.D. 1924.

Work No. 25—A widening and improving of University and Malone Roads on the west side thereof :—

(*a*) between Windsor Avenue North and a point 3.63 chains or thereabouts north of the junction of Adelaide Park and Malone Road :

(*b*) between points respectively 3.53 chains or thereabouts north and 3.83 chains or thereabouts south of the junction of Cadogan Park and Malone Road :

(*c*) between points respectively 3 chains or thereabouts north and 6.85 chains or thereabouts south of the junction of Marlborough Park and Malone Road :

(*d*) between Cranmore Park and a point 5 chains or thereabouts north thereof.

Work No. 26—A widening and improving of Malone Road on the east side thereof between points respectively 0.3 chain and 4 furlongs 5.3 chains or thereabouts south of the junction of Malone Park with Malone Road (except the portion thereof numbered 5 on the deposited plans).

Work No. 26A—A widening and improving of Malone Road on the west side thereof between the north side of Malone Park and Balmoral Avenue.

Work No. 27—A widening and improving of Falls Road on the south-east side thereof near to and south westward of Hugo Street.

Work No. 28—A widening and improving of Newtownards Road on the north side thereof between Church Street East and a point 3.4 chains or thereabouts west thereof.

Work No. 29—A widening and improving of Ravenhill Road on the east side thereof :—

(*a*) between Shamrock Street and a point 2.9 chains or thereabouts north thereof :

(*b*) between points respectively 0.78 chain and 2.6 chains or thereabouts south of Shamrock Street.

Work No. 30—A widening and improving of Newtownards Road on the north side thereof :—

(*a*) between points respectively 1.82 chains and 3.33 chains or thereabouts south-west of Middlepath Street.

Digitized by Google

A.D. 1924.

(*b*) between Foundry Street and a point 2.27 chains or thereabouts east thereof.

Work No. 30A—A widening and improving of Newtownards Road on the south side thereof between Mountpottinger Road and Quinn's Place.

Work No. 31—A widening and improving of Madrid Street on the south side thereof between Woodstock Street and a point 1.45 chains or thereabouts west thereof.

Work No. 31A—A widening and improving of Albertbridge Road on the north side thereof between Woodstock Street and a point 2 chains or thereabouts west thereof.

Work No. 32—A widening and improving of Albertbridge Road on the north side thereof between points respectively 0.64 chain east and 1.51 chains west of the junction of Paulett Avenue and Albertbridge Road.

Work No. 33—A widening and improving of North Road and the bridge carrying same over the Belfast and County Down Railway on both sides thereof between points respectively 4 chains and 6.87 chains or thereabouts east of Martinez Avenue.

Work No. 34—A widening and improving of Beersbridge Road on the north side thereof between a point opposite the west side of Lecumpher Street and a point 5.5 chains or thereabouts east thereof.

Work No. 35—A widening and improving of Upper Newtownards Road on the north side thereof:—

(*a*) between points respectively 2.05 chains and 8.2 chains or thereabouts west of the junction of Oakland Avenue and Upper Newtownards Road:

(*b*) between Oakland Avenue and a point 3.2 chains or thereabouts west of the junction of North Road and Upper Newtownards Road:

(*c*) between points respectively 0.4 chain and 1.4 chains or thereabouts east of last-mentioned junction:

(*d*) between points respectively 2.25 chains and 3.85 chains or thereabouts east of the last-mentioned junction:

Digitized by Google

A.D. 1924.

(*e*) between points respectively 5.5 chains and 9.5 chains or thereabouts east of the last-mentioned junction.

Work No. 35A—A widening and improving of Upper Newtownards Road on the south side thereof :—

(*a*) between a point 2.2 chains or thereabouts west of the junction of Beersbridge Road and Upper Newtownards Road and 2.4 chains or thereabouts west of the junction of Oakland Avenue and Upper Newtownards Road :

(*b*) between a point opposite the eastern side of Oakland Avenue and a point 2.9 chains or thereabouts west of the junction of Clonlee Drive and Upper Newtownards Road :

(*c*) between points respectively 1.9 chains and 3.05 chains or thereabouts east of the last-mentioned junction :

(*d*) between points respectively 2.95 chains or thereabouts west and 3.4 chains or thereabouts east of the junction of North Road and Upper Newtownards Road.

Work No. 36—A widening and improving of Belmont Road on the south side thereof :—

(*a*) between Holywood Road and a point 1 furlong 1.21 chains or thereabouts east thereof :

(*b*) between Earlswood Road and a point 1 furlong 0.8 chain or thereabouts east thereof :

(*c*) between Belmont Church Road and a point 7.36 chains or thereabouts west thereof :

(*d*) between Belmont Church Road and a point 5.91 chains or thereabouts east thereof :

(*e*) between Wandsworth Gardens and a point 1.36 chains or thereabouts west thereof :

(*f*) between Wandsworth Gardens and Hawthornden Road.

Work No. 36A—A widening and improving in the County of Down Rural District of Castlereagh Parish of Holywood and Townland of Ballycloghan of Belmont Road on the south side thereof between Hawthornden Road and a point 2 furlongs 6.12 chains or thereabouts east thereof.

O.

Digitized by Google

A.D. 1924.

Work No. 36B—A widening and improving of said Belmont Road on the north side thereof between Ranfurly Drive and a point 7.88 chains or thereabouts north-east of Old Holywood Road.

PART IV.—TRAMWAY.

Power to make tramway.

32. Subject to the provisions of this Act the Corporation may form lay down work use and maintain in the lines and situations and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections the tramway hereinafter described with all proper rails plates works and conveniences connected therewith.

The Tramway hereinbefore referred to and authorised by this Act is situate wholly within the city and is as follows—

A Tramway (double line) 1 furlong 2.65 chains or thereabouts in length commencing in Castle Street by a junction with the existing tramway therein near the junction of Queen Street with Castle Street and terminating in Wellington Place by a junction with the existing tramway therein near the said junction of Queen Street with Castle Street.

Gauge of tramway.

33. The Tramway shall be constructed on a gauge of four feet eight and a-half inches and carriages or trucks adapted to run on railways shall not be used to run thereon.

Period for completion of tramway.

34. If the Tramway be not completed and opened for public traffic within five years from the passing of this Act then on the expiration of that period the powers by this Act granted for constructing the same or otherwise in relation thereto shall cease except as to so much of the Tramway as shall then be completed.

Tramway to form part of Tramway Undertaking

35. Subject to the provisions of this Act the Tramway shall for all purposes be deemed to form part of the Tramway Undertaking and of the Corporation Tramways.

Inspection by Ministry of Home Affairs.

36. No part of the Tramway shall be opened for public traffic until it has been inspected and certified to be fit for such traffic by an officer appointed by the Ministry of Home Affairs.

Digitized by Google

A.D. 1924.

As to erection of posts, etc. on carriageway

37. No post or other apparatus for working the Tramway shall be erected on the carriageway of any street or road except with the consent of the Ministry of Home Affairs.

Application of certain sections of Belfast Street Tramways Act 1872.

38. The sections of the Belfast Street Tramways Act 1872 of which the numbers and marginal notes are set out in the Second Schedule to this Act shall extend and apply to the Tramway and the Corporation in respect thereof as if the same had been re-enacted in this Act provided that in construing the provisions of the said sections in their application to this Part of this Act the expressions referred to in the first column of the next following table shall be deemed to be substituted for the expressions referred to in the second column of that table respectively (that is to say)—

1.	2.
The Ministry of Home Affairs	The Commissioners.
Northern Ireland	Ireland.
The Belfast Gazette	The Dublin Gazette
The Ministry of Home Affairs	The Board of Trade

For the protection of the Belfast City and District Water Commissioners

39. For the protection of the Belfast City and District Water Commissioners Section 5 (for the protection of the Belfast Water Commissioners) of the Belfast Street Tramways Act 1884 and Section 12 (for the protection of the Belfast City and District Water Commissioners) of the Act of 1923 shall be incorporated in this Act and subject to the provisions of this Section shall notwithstanding anything to the contrary contained in this Act extend and apply to the Tramway by this Act authorised and in the application of the said Sections to this Act the expression the "Water Commissioners" shall mean the Belfast City and District Water Commissioners acting under the Belfast Water Acts 1840 to 1923 inclusive.

Incorporation of certain Sections of the Acts of 1904 and 1911

40. The several sections of the Acts of 1904 and 1911 of which the numbers and marginal notes are set out in Section 13 (Incorporation of certain Sections of the Acts of 1904 and 1911) of the Act of 1923 shall so far as the

Digitized by Google

A.D. 1924.

same are applicable in that behalf and are not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the Tramway.

Provided that in the application of the said Sections of the Acts of 1904 and 1911 they shall be read and have effect as if the Ministry of Home Affairs were named therein instead of the Board of Trade.

Provision as to General Tramway Acts.

41. Nothing herein contained shall be deemed or construed to exempt the Tramway from the provisions of any General Act relating to Tramways now in force or which may hereafter pass during this or any future Session of Parliament or from any future revision and alteration under the authority of Parliament of the maximum rates of fares and charges by this Act applied to the Tramway.

PART V.—OMNIBUSES.

Power to run omnibuses.

42.—(1) Subject to the provisions of this Act the Corporation may provide and maintain and may run omnibuses within the city.

(2) The Corporation may purchase by agreement take on lease and hold lands and buildings and may erect on any lands acquired by them omnibus carriage and motor houses buildings and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running equipment maintenance and repair of such omnibuses but the Corporation shall not create or permit any nuisance on any lands upon which they erect any such houses buildings or sheds.

(3) Every omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphs of the Post-Master General.

(4) The Corporation shall perform in respect of the omnibuses provided under this Section such services in regard to the conveyance of mails as are prescribed by the Conveyance of Mails Act 1893 in the case of a Tramway to which that Act applies.

(5) In this Part of this Act the expression " omnibus " has the same meaning as is assigned to that expression by the Town Police Clauses Act 1889.

Digitized by Google

A.D. 1924.

Omnibus Undertaking to form part of Tramway Undertaking

43. Subject to the provisions of this Part of this Act the omnibus undertaking thereby authorised shall be deemed to form part of the Tramway Undertaking and of the Corporation Tramways and all enactments relating to the Tramway Undertaking or to the Corporation Tramways shall (so far as applicable and with the necessary modifications) extend and apply to the said omnibus undertaking and to the omnibuses of the Corporation Provided that in the accounts of the Corporation relative to the Tramway Undertaking the income from and expenditure upon or in connection with omnibuses shall (so far as may be reasonably practicable) be distinguished from the income from and expenditure upon or in connection with the remainder of that undertaking.

Working and other agreements

44. The Corporation and any company body or person may enter into and carry into effect agreements for the working use management and maintenance subject to the provisions of this Act of any omnibus services within the city.

Power to appoint starting and stopping places.

45. The Corporation may appoint the stations and places from which the omnibuses of the Corporation shall start or at which they may stop for the purposes of taking up or setting down passengers and may fix the time during which such omnibuses shall be allowed to remain at any such place. Provided that except in relation to the terminal points of any omnibus route the provision of Section 92 (List of tolls &c. to be exhibited in carriages and at stations) of the Belfast Street Tramways Act 1872 shall not apply to any stopping place appointed under the powers of this Section.

Provided that no waiting-room or shed erected or maintained under this section shall interfere with or render less convenient the access to or exit from any station or depot of any Railway Company.

For protection of Belfast Harbour Commissioners.

46. The Corporation shall not run any omnibus on or over any road belonging to or kept in repair by the Belfast Harbour Commissioners save with the consent in writing of the said Commissioners and subject to such terms and conditions as may be mutually agreed upon between the Corporation and the said Commissioners.

Digitized by Google

A.D. 1924.

PART VI.—GENERAL PROVISIONS AS TO WORKS.

Power to make ancillary works.

47. Subject to the provisions of this Act the Corporation may within the limits of deviation shown upon the deposited plans make and maintain all such works and conveniences connected with or ancillary to the several works authorised by this Act as they may deem necessary.

Power of deviation.

48. In constructing the works authorised by this Act (other than the Tramway) the Corporation may deviate laterally from the respective lines or situations thereof shown on the deposited plans to the extent of the limits of deviation marked thereon and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding six feet upwards or downwards.

Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Ministry of Commerce and the Board of Trade.

Incorporation of certain provisions of Acts of 1884 and 1911.

49. The following Sections of the Act of 1884 (that is to say)—

Section 13 (Streets disused vested in Corporation for sale)

Section 20 (Power to make carriage and footways and incidental works)

Section 21 (Power to cover or fill up sewers or drains)

Section 22 (Power to alter steps areas pipes and other things); and

Section 23 (Power to sell materials);

and the following Sections of the Act of 1911 (that is to say)—

Section 34 (Temporary stoppage of streets);

Section 35 (Power to make subsidiary works);

Section 36 (Under-pinning); and

Section 38 (For further protection of Belfast Water Commissioners)

shall so far as the same are applicable and not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the constructing and maintaining of the works authorised by this Act.

Digitized by Google

A.D. 1924.

For protection of Belfast and County Down Railway Company.

50. Notwithstanding anything contained in this Act or shown upon the deposited plans and sections the following provisions for the protection of the Belfast and County Down Railway Company (in this section called "the Company") shall unless otherwise agreed between the Corporation and the Company apply and have effect (that is to say)—

(1) The Corporation shall not enter upon take use purchase or acquire any lands or property of the Company but the Corporation may purchase and take and the Company shall sell and grant accordingly an easement or right of using so much of the lands of the Company as may be necessary for the construction maintenance and use of Work No. 33 by this Act authorised.

(2) The Corporation shall not in the construction of Work No. 33 deviate vertically downwards from the levels shown on the deposited sections and the structure under the roadway and under any pipes or conduits laid across the bridge shall be made in waterproof concrete troughs under the footpaths of the bridge.

(3) All works of construction and maintenance renewal or alteration executed under the powers of this Act which in any way affect the railways works or property of the Company (in this section referred to as "the said Works") shall except in cases of emergency be executed under the superintendence (if given) and to the reasonable satisfaction of the engineer of the Company according to plans sections and specifications previously submitted to and reasonably approved by him. Provided that if the same shall not be disapproved within 21 days after they shall have been submitted to him he shall be deemed to have approved the same.

(4) If within one month after the receipt of such plans sections and specifications the Company give to the Corporation notice that they desire themselves to execute any part of the said works the Company may themselves execute the same in accordance with the said plans sections and specifications as approved in accordance with this section and may recover the reasonable cost of so doing from the Corporation.

(5) The Corporation shall on demand repay to the Company the reasonable expense of the employment by the Company during the execution of the said works of

Digitized by Google

A.D. 1924.

a sufficient number of inspectors and watchmen to be appointed by the Company for watching their railway with reference thereto and for preventing as far as may be any interference obstruction danger or accident from the operations acts or defaults of the Corporation or their contractors or of any person in the employ of either of them.

(6) Subject to the provisions of Sub-Section (4) of this section the said works shall be executed and maintained by and in all things at the expense of the Corporation and in such manner as not to cause any injury or damage to the railway works or property of the Company or any interruption to the traffic on such railway.

(7) If by reason of the execution or failure of any of the said works or owing to any operations acts or defaults of the Corporation or their contractors or of any person in the employ of either of them the railway works or property of the Company shall be damaged or any person or persons using the same shall be injured or any interruption shall be caused to the traffic on such railway the Corporation shall make full compensation to the Company in respect of such damage injury or interruption and shall effectually indemnify and hold harmless the Company from all claims and demands upon or against them in respect thereof.

(8) If by reason of the execution of any of the said works it shall be necessary to add to or alter any signals telegraphs or electrical lines of the Company or any works in connection therewith the Company may so add to or alter the same and the reasonable cost of such addition or alteration and the reasonable additional cost of the maintenance thereof shall be repaid to the Company by the Corporation.

(9) The Corporation shall at their own cost at all times maintain the bridge carrying North Road over the railway of the Company in good repair and condition to the reasonable satisfaction of the engineer of the Company and if and whenever the Corporation fail so to do the Company may make and do in and upon as well the lands of the Corporation as their own lands all such works repairs and things as they may reasonably think necessary in that behalf and the reasonable expense thereof shall be repaid to the Company by the Corporation.

Digitized by Google

A.D. 1924.

(10) If any subsidence shall occur by which the level of the said bridge shall be lowered so that the headway thereof be not maintained the Corporation shall at their own cost when called upon by the Company so to do raise or lift the said bridge to the height above ordnance datum at which such bridge was originally constructed or widened under the provisions of this Act.

(11) Any difference which may arise between the Corporation and the Company or their respective engineers under this section shall be referred to and determined by an Arbitrator to be appointed (failing agreement) by the President of the Institution of Civil Engineers on the application of either party.

PART VII.—LANDS.

Power to acquire lands for works.

51. Subject to the provisions of this Act the Corporation may enter upon take and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference which they require for the purposes of the works by this Act authorised or (in the case of the widening of any street or the construction of any new road) for the providing of space for the erection of buildings adjoining or near to any such street or road or for the extension of Public Baths at Peter's Hill Old Lodge Road and Peter's Place.

Incorporation of certain provisions of Acts of 1884 and 1923 as to taking of lands, etc.

52. The following Sections of the Act of 1884 (that is to say)—

Section 25 (Errors and omissions in Plans &c. to be corrected by Justices who shall certify the same)

Section 30 (Power to acquire additional lands by agreement)

Section 31 (Power to take easements &c. by agreement) and

Section 32 (Compensation may be in lands or works)

and the following Sections of the Act of 1923 (that is to say)—

Section 26 (Housing of the Working Classes Act 1890 to apply to compulsory acquisition of land)

Section 30 (As to private rights of way over lands taken compulsorily) and

Digitized by Google

A.D. 1924.

Section 31 (Retention and disposal of lands) so far as the same are applicable and not inconsistent with the provisions of this Act shall extend and apply mutatis mutandis to and in relation to the lands to be acquired and the works to be constructed under the powers of this Act.

Limitation of time for compulsory purchase of lands.

53. The powers of the Corporation for the compulsory purchase of lands shall not be exercised after the expiration of three years from the passing of this Act.

Compensation in case of recently altered buildings.

54. In settling any question of disputed purchase-money or compensation under this Act the arbitrator shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created after the twentieth day of November one thousand nine hundred and twenty three if in the opinion of the arbitrator the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Owners may be required to sell parts only of certain lands and buildings.

55. And whereas in the construction of the works by this Act authorised or otherwise in exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto. Therefore the following provisions shall have effect—

(1) The owner of and persons interested in any of the properties whereof the whole or part is described in the Third Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are hereinafter included in the term " the owner " and the said properties are hereinafter referred to as " the scheduled properties " ;

(2) If for twenty-one days after the last publication of notice of the appointment of the arbitrator the owner shall fail to notify in writing to the

Digitized by Google

A.D. 1924.

Corporation that he alleges that the portion of the scheduled property specified in the schedules and on the maps of the lands required by the Corporation as intended to be taken by them (hereinafter referred to as "the specified portion") cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation the specified portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise;

(3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that the specified portion cannot be so severed the arbitrator shall in addition to the other questions required to be determined by him determine whether the specified portion can be severed from the remainder of the property without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have powers of compulsory purchase) can be so severed;

(4) If the arbitrator determine that the specified portion or any such other portion as aforesaid can be severed from the remainder of the property without material detriment thereto the owner may be required to sell and convey to the Corporation the specified portion of such other portion as aforesaid without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the arbitrator;

(5) If the arbitrator determine that the specified portion can notwithstanding the allegation of the owner be severed from the remainder of the property without material detriment thereto the arbitrator may in his absolute discretion

Digitized by Google

A.D. 1924.

determine and order that the costs charges and expenses incurred by the owner incident to the arbitration shall be borne and paid by the owner;

(6) If the arbitrator determine that the specified portion cannot be severed from the remainder of the property without material detriment thereto (and whether or not he shall determine that any other portion can be so severed) the Corporation may omit the specified portion from the said schedules and maps and may include therein the whole of the scheduled property or so much thereof as they have powers under this Act to acquire and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice;

(7) If the arbitrator determine that the specified portion cannot be severed from the remainder of the property without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not amend the said schedules and maps in manner aforesaid may amend the same by including therein the portion which the arbitrator may determine to be severable and shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence thereof or such part of such costs charges and expenses as the arbitrator shall having regard to the circumstances of the case and his final determination think fit.

The provisions of this Section shall be in force notwithstanding anything contained in the Lands Clauses Acts and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this Section would or would not be subject to the provisions of Section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this Section shall be stated in every schedule deposited by the Corporation wherein any of the scheduled properties is included.

Digitized by Google

A.D. 1924.

Stopping up of Peter's Place.

56. The Corporation may stop up the street or place known as Peter's Place in the city and thereupon all public rights of way over that street or place shall be extinguished and the site and soil of the said street or place (so far as the same may not already be vested in the Corporation) shall vest in them but the said street or place shall not be stopped up unless the Corporation are owners in possession of all houses and lands on both sides thereof except so far as the owners lessees and occupiers of those houses and lands may otherwise agree.

Appropriation of portions of Public Parks.

57. The Corporation may for the purposes of or in connection with the works authorised by Part II. of this Act utilise the portions of the Ormeau Park and of the Botanic Gardens Park shown upon the deposited plans and all enactments by-laws and regulations relating to public parks shall cease to apply to any portion of either of the said parks which may be so utilised.

Power to convey to the Belfast Harbour Commissioners portion of Victoria Park.

58.—(1) The Corporation may sell or grant and convey to the Belfast Harbour Commissioners for the purpose of the construction by the said Commissioners of a public road a strip of land 540 yards or thereabouts in length and 20 yards or thereabouts in width forming part of and adjoining the south-eastern boundary of Victoria Park and the said portion of land when so conveyed to the Harbour Commissioners shall vest in them free from all provisions applicable to the same by reason of the same being a portion of a public park.

(2) The Corporation may receive as consideration or part consideration for the sale or grant of the said portion of land certain lands of the Belfast Harbour Commissioners adjoining the said Victoria Park and if any such last mentioned lands shall be conveyed to the Corporation by the said Commissioners the Corporation shall add the lands so conveyed to them to the said park. Any lands so added to the said park shall be deemed for all purposes to form part thereof and all enactments by-laws and regulations for the time being in force with respect to the said park shall extend and apply to the lands so added thereto.

PART VIII.—SUPERANNUATION.

Definitions for this Part of Act.

59. In this Part of this Act unless the context otherwise requires and subject to the provisions thereof.

Digitized by Google

A.D. 1924.

"Service" means whole-time or part-time service in the permanent employment of the Corporation after an officer or servant has attained the age of eighteen years and when used in relation to service after the appointed day means continuous service and when used in relation to service rendered before the appointed day means service whether continuous or not;

"Contributing service" means service rendered by an officer or servant in respect of which he is a contributor to the superannuation fund;

"Non-contributing service" means service rendered to the Corporation before the appointed day by an officer or servant occupying on the appointed day a post designated as an established post;

"Officer" or "servant" means an officer or servant in the permanent service of the Corporation occupying a post designated as an established post for the purposes of this Part of this Act by a resolution of the Corporation and whether in receipt of salary or wages;

"Salary" or "wages" means all salary wages fees poundage and other payments (including any war bonus) paid or made to any officer or servant as such for his own use also the money value of any apartments rations or other allowances in kind appertaining to his office or employment but does not include payments for overtime or any allowance paid to him to cover cost of office accommodation or clerks' assistance;

"Superannuation fund" means the fund to be established by the Corporation in the manner prescribed and provided in the section of this Act of which the marginal note is "Superannuation Fund";

"Actuary" means a fellow of the Institute of Actuaries or the Faculty of Actuaries in Scotland;

"Ministry" means the Ministry of Home Affairs.

Time from which this Part of Act comes into operation.

60. This Part of this Act shall come into operation as from such date as may be specified in the resolution of

Digitized by Google

the Council mentioned in the next succeeding section hereof which date is hereinafter referred to as the appointed day.

Resolutions to be passed before this Part of Act comes into operation.

61. This Part of this Act shall not come into operation unless and until

(*a*) A resolution that this Part of this Act shall come into operation and fixing the appointed day shall be passed by a majority consisting of not less than two-thirds of the members of the Council present and voting at a meeting called for the purpose of which a month's previous notice shall be given to each member of the Council together with an estimate certified by an actuary of the cost to the Corporation of the provisions of this Part of this Act; and

(*b*) Such resolution shall also have been confirmed by the Council at a regular meeting held not less than one month after the passing of such resolution; and

(*c*) Such resolution shall have been approved by the Ministry of Home Affairs.

Subsequent designation of posts and establishment of separate funds for officers and servants.

62. When the Corporation at any time subsequent to the appointed day designate any further posts as established posts for the purposes of this Part of this Act the date of such subsequent designation shall be deemed to be the appointed day as respects the officers or servants occupying the posts so designated at the date of designation and the provisions of paragraph (*d*) of subsection (1) of the section of this Act of which the marginal note is "Superannuation Fund" shall apply accordingly unless and except to the extent to which in any particular case the Ministry otherwise direct.

(2) The Corporation may with the consent of the Ministry and in accordance with a scheme approved by the Ministry establish separate superannuation funds for officers and servants respectively and any such scheme may provide for the transfer of officers or servants from one fund to the other and for making such financial adjustments between the funds in the event of such transfer as may be necessary.

Title to superannuation allowances.

63.—(1) Subject to the provisions of this Part of this Act every officer and servant who—

Digitized by Google

A.D. 1924.

(*a*) shall have completed ten years' service and shall become incapable of discharging the duties of his office or employment with efficiency by reason of permanent ill-health or infirmity of mind or body; or

(*b*) shall have attained the age of sixty years and have completed forty years service; or

(*c*) shall have attained the age of sixty-five years

shall be entitled on resigning or otherwise ceasing to hold his office or employment to receive during life a superannuation allowance according to the scale by this Part of this Act provided.

(2) Save as is otherwise by this Part of this Act provided every such superannuation allowance shall be paid out of the superannuation fund.

(3) Where an officer or servant has attained the age of sixty-five years he shall cease to hold his office or employment:

Provided that the Corporation may with the consent of the officer or servant by resolution extend the period of service or employment of any such officer or servant for one year or any less period and so from time to time as they may deem expedient:

Provided also that no contribution shall be made by the Corporation or by any officer or servant to the superannuation fund in respect of any such extended period and any such extended period shall be disregarded in calculating any superannuation allowance out of the superannuation fund.

(4) In the application of sub-section (3) of this section to officers and servants who are in the employment of the Corporation at the date of the passing of this Act the said sub-section shall be read and construed as if the word "seventy" were substituted for the word "sixty-five" in the said sub-section.

Scale of superannuation allowances.

64. Subject to the provisions of the section of this Act of which the marginal note is "Allowance for previous service" and to any other provisions of this Part of this Act the superannuation allowance to be made to an officer or servant under this Part of this Act shall be on the following scale:—

Digitized by Google

(*a*) after ten years' service ten-sixtieths of the average amount of his salary or wages during the five years which immediately precede the day on which the officer or servant ceases to hold his office or employment or attains the age of sixty-five years whichever be the earlier;

(*b*) after eleven years' service eleven-sixtieths of such average amount;

(*c*) and so on up to a maximum after forty or more years' service of forty-sixtieths of such average amount:

Provided that any part of a superannuation allowance which is calculated by reference to a war bonus or other similar allowance shall be calculated and liable to variation in accordance with the rules for the time being in force with respect to superannuation allowances of members of His Majesty's Civil Service:

Provided also that for the purpose of calculating the superannuation allowance of a full-time officer who has formerly served as a part-time officer the period of part-time service shall be treated as though it were whole-time service for a proportionately reduced period.

Forfeiture for fraud, &c

65. An officer or servant who is dismissed or resigns or otherwise ceases to hold his office or employment in consequence of any offence of a fraudulent character or of grave misconduct shall forfeit all claim to any superannuation allowance under this Part of this Act.

Provided that in the case of any such officer or servant the Corporation may if they see fit return to him out of the superannuation fund or pay to his wife or family out of that fund a sum equal to the amount of all his contributions thereto under this Part of this Act or to such part thereof as the Corporation shall think fit.

Return of contribution with interest in certain cases.

66. An officer or servant who has become entitled to a superannuation allowance and who loses his office or employment by reason of a reduction of staff the abolition of his office or the termination of a joint appointment or ceases to hold his office or employment by reason of ill-health mental infirmity or bodily injury or is required to retire on marriage or is dismissed for any cause other than fraud misconduct or incapacity shall be entitled to re-

Digitized by Google

A.D. 1924.

ceive out of the superannuation fund a sum equal to the amount of all his contributions to such fund together with compound interest thereon calculated to the date of his loss of or ceasing to hold or dismissal from office or employment or resignation at the rate of three per centum per annum by half-yearly rests.

Return of contributions without interest in certain cases.

67. In the event of an officer or servant voluntarily resigning his office or employment or being dismissed for incapacity (fraud or misconduct not being alleged) before he has under the provisions of this Part of this Act become entitled to a superannuation allowance the Corporation shall pay to him out of the superannuation fund a sum equal to the amount of the contributions made by such officer or servant under this Part of this Act.

Return of contributions in case of death.

68.—(1) In the event of an officer or servant dying before becoming entitled to or receiving a superannuation allowance under this Part of this Act the Corporation shall pay to his legal personal representative out of the superannuation fund a sum equal to the amount of the contributions made by such officer or servant under this Part of this Act together with compound interest thereon calculated to the date of his death at the rate of three per centum per annum by half-yearly rests.

(2) In any case in which any contributor shall die after he has become entitled to a superannuation allowance under this Part of this Act and before he shall have received by way of superannuation allowance an amount equal in the aggregate to the amount of his contributions under this Part of this Act together with compound interest thereon calculated to the date of his retirement at the rate of three per centum per annum by half-yearly rests the Corporation shall pay to his legal personal representative out of the superannuation fund the difference between the total amount which such contributor has received by way of superannuation allowance and the aggregate amount of his contributions under this Part of this Act together with compound interest thereon at the rate and calculated as aforesaid up to the date of his retirement.

Notice of certain proposals.

69. At least one month's notice in writing shall be given to every member of the Corporation of the meeting at which any proposal to make any payment in accordance

Digitized by Google

A.D. 1924.

with the provisions of the section of this Act of which the marginal note is "Forfeiture for fraud etc." or any proposal to return contributions to an officer or servant who has been dismissed or resigns or to grant a gratuity under this Part of this Act will be considered.

Allowance not assignable.

70. Every superannuation allowance or gratuity granted under this Part of this Act shall be payable to or in trust for the officer or servant and shall not be assignable or chargeable with his debts or other liabilities.

Officers and servants to contribute.

71.—(1) Subject to the provisions of this Part of this Act every officer and servant shall as from the appointed day contribute to the superannuation fund an amount equal to five per centum of his salary or wages which amount shall be deducted from the salary or wages payable to him by the Corporation and shall be carried to the credit of and form part of the superannuation fund.

(2) Nothing in this Part of this Act shall require any officer or servant to make any contribution for the purposes of this Part of this Act in respect of any period previous to the appointed day.

(3) The provisions of this section shall not apply to any officer or servant who is fifty-five years of age or more on the appointed day or at the date of his appointment and no such officer or servant shall contribute for the purposes thereof Provided that in the case of any such officer or servant service after the appointed day shall be deemed to be non-contributing service.

Allowance for previous service.

72. Non-contributing service shall be reckoned for determining whether an officer or servant is entitled to a superannuation allowance under this Part of this Act and in calculating the superannuation allowance of any officer or servant who is so entitled his allowance in respect of his non-contributing service shall be at the rate of one one-hundred-and-twentieth (or in the case of any officer or servant in which the Corporation by resolution so decide at such rate as the Corporation may determine not exceeding the rate of one-sixtieth) of the average amount of his salary or wages for the last five years of his service in respect of each year (not exceeding forty years) of his service and in reckoning the non-contributing service of

Digitized by Google

A.D. 1924.

any officer or servant any portion of a year during which such officer or servant has served for more than six months shall be reckoned as a year:

Provided that the amount of any superannuation allowance granted in respect of non-contributing service so far as it exceeds one one-hundred-and-twentieth of such average amount as aforesaid in respect of each year of service shall not be paid out of the superannuation fund but shall be chargeable upon the same funds rates and revenues as those upon which the salary or wages of the officer or servant to whom the allowance is granted are charged.

Contributors for less than ten years.

73. If any officer or servant in service on the appointed day—

(*a*) retires after contributing service of less than ten years, owing to his becoming incapable of discharging the duties of his office or employment with efficiency by reason of permanent ill-health or infirmity of mind or body or

(*b*) retires after having attained the age of sixty years and after a contributing service of less than ten years

the period of his contributing service shall be reckoned as non-contributing service and shall be added to the period of his non-contributing service for the purpose of calculating any superannuation allowance under this Part of this Act and he shall also be entitled to receive from the superannuation fund a sum equal to the aggregate amount of his contributions under this Part of this Act together with compound interest thereon calculated to the date of his retirement at the rate of three per centum per annum by half-yearly rests.

Superannuation fund.

74.—(1) The Corporation shall establish and administer a superannuation fund to which shall be carried and credited in each year—

(*a*) the amounts deducted in such year under the provisions of this Part of this Act from the salaries and wages of officers and servants contributing to the superannuation fund;

(*b*) a sum equal in amount to the sum which during such year has been contributed to the super-

Digitized by Google

annuation fund by officers or servants (in this Section referred to as " the equivalent contribution ") and such further sums if any as the Corporation may become liable to carry and contribute thereto under the provisions of this Part of this Act ;

(*c*) all dividends and interest arising in such year out of the investment or use of the superannuation fund or any part thereof ;

(*d*) such amount as may be certified by an actuary, as soon as may be after the appointed day as necessary in order that the superannuation fund may be solvent to be calculated so as to cast upon the Corporation so far as may be an equal annual charge for a period not exceeding forty years from the appointed day.

(2) The equivalent contribution and the equal annual charge shall be made out of the same funds rates and revenues as those upon which the salaries or wages from which the said amounts so deducted are charged.

Actuarial investigation.

75.—(1) Once at least in every five years the condition of the superannuation fund shall be submitted by the Corporation to an actuary who shall consider the same and shall make an actuarial valuation of the assets and liabilities of the superannuation fund.

(2) Where on any such valuation the actuary certifies that a deficiency or a disposable surplus is disclosed the Corporation shall submit to the Ministry a scheme for making good the deficiency by means of payments by the Corporation into the superannuation fund or by means of an increase in the contributions as provided by this Part of this Act of the Corporation or (as the case may require) for disposing of the surplus by reducing those contributions.

(3) Where on any such valuation the actuary certifies that in order to maintain an equality of value as respects persons becoming contributors after the date of the scheme between the amounts to be contributed by or in respect of such persons and the amounts of benefit to which such persons will become entitled it is expedient to increase or decrease the contribution as provided by this Part of this Act in respect of such persons provision

Digitized by Google

A.D. 1924.

may be made by the scheme for such increase or decrease (as the case may require) to be applied in equal proportions as between the Corporation and such persons.

(4) Where any such scheme is approved by the Ministry this Part of this Act shall have effect subject to the provisions of the scheme.

(5) The Corporation shall send a copy of the actuary's report to the Ministry and if within six months of the receipt of such report the Corporation fail to submit a scheme under this section or to submit a scheme of which the Ministry approve the Ministry may themselves make a scheme which shall have the same effect as a scheme submitted by the Corporation and approved by the Ministry.

Use of moneys of superannuation fund.

76. The Corporation may use for the purpose of any statutory borrowing power possessed by them any moneys forming part of the superannuation fund and not for the time being required for payments to be made under this Part of this Act subject to the following conditions—

(*a*) The moneys so used shall be repaid to the superannuation fund within the period by the methods and out of the fund rate or revenue within by and out of which a loan raised under the statutory borrowing power would be repayable;

(*b*) Interest shall be paid to the superannuation fund on any moneys so used and for the time being not repaid to the fund. Such interest shall be calculated at the rate per centum per annum to be determined by the Corporation and equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power and shall be paid out of the fund rate or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power; and

(*c*) The statutory borrowing power for the purpose of which the moneys are so used shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power.

Digitized by Google

A.D. 1924.

Investment of surplus income.

77. The surplus of the annual income of the superannuation fund above the expenditure thereout shall from time to time be invested in securities in which trustees are for the time being authorised to invest or be used in the manner hereinbefore provided and the income arising from time to time from such investment or use shall be paid into that fund.

Arbitration.

78. Any question which may arise between the Corporation and any officer or servant as to the right to or the amount of a superannuation allowance or the right to any return of contributions under this Part of this Act or the amount of the contribution of such officer or servant shall in default of agreement be referred to and determined by an arbitrator to be agreed upon between the Corporation and such officer or servant or failing such agreement appointed by the Ministry.

Gratuities.

79.—(1) The Corporation may in any case in which an officer or servant is permanently incapacitated by an injury sustained by him in the actual discharge of his duty and without his own default and specifically attributable to the nature of his duty grant to such officer or servant subject to such conditions as they may think fit such gratuity either by way of a lump sum or periodical payments as they may consider reasonable having regard to all the circumstances of the case including any statutory right to compensation under the Workmen's Compensation Acts or any other enactment or any allowance or gratuity to which he may be entitled under this Part of this Act. So however that the sums received by him shall not exceed in the aggregate the amount of any allowance or gratuity to which he would have been entitled if he had already attained the age of 65 at the date when he became incapacitated.

(2) The Corporation may grant to any officer or servant who is not entitled to a superannuation allowance under this Part of this Act on his retiring from service such gratuity as the Corporation may by resolution determine not exceeding a sum equal to twice the amount of the salary or wages of such officer or servant during the year which immediately precedes his retirement.

(3) Any gratuity granted under this section shall not be paid out of the superannuation fund but shall be

Digitized by Google

A.D. 1924.

chargeable upon the same funds rates and revenues as those upon which the salary or wages of the officer or servant to whom the gratuity is granted are or were immediately before his retirement charged.

Payments and expenses under this part of Act.

80. Any payments or expenses made or incurred by the Corporation under the provisions of this Part of this Act or in carrying the provisions of this Part of this Act into execution and not otherwise provided for shall in the case of any officer or servant in respect of whom any payment or expense is made or incurred be paid out of the same funds rates or revenues as those upon which the salary or wages of such officer or servant is or are charged and subject as aforesaid shall be made and paid out of such fund rate or revenue as the Corporation shall determine.

As to officers and servants who are contributors to Provident Fund under Acts of 1899 and 1902.

81.—(1) Any officer or servant in the service or employment of the Corporation on the appointed day being on that day a contributor to the Provident Fund referred to in Part VI. of the Act of 1899 and Part VI. of the Act of 1902 who shall within one month after the appointed day signify in writing to the Corporation that he does not desire to avail himself of the provisions of this Part of this Act shall not be required to make any contribution or to submit to any deduction from his salary or wages under this Part of this Act nor shall he be entitled to receive any superannuation allowance gratuity or other benefit under this Part of this Act.

(2) After the date of the passing of this Act no officer or servant in the service or employment of the Corporation who is not already a contributor to the said Provident Fund shall become a contributor thereto.

As to members of Fire Brigade.

82.—(1) Subject to the provision in this Section contained Section 95 (Pensions to members of Fire Brigade) of the Act of 1911 shall continue to apply and have effect in the case of existing members of the Fire Brigade and an existing member of the Fire Brigade shall not be deemed to be an officer or servant for the purposes of this Part of this Act; Provided nevertheless that if at any time the Corporation designate the post held by an existing member of the Fire Brigade as an established post for the purposes of this Part of this Act

Digitized by Google

such existing member of the Fire Brigade may at any time thereafter signify in writing to the Corporation his desire to become an officer or servant for the purposes of this Act and thereupon Section 95 of the Act of 1911 shall cease to apply in the case of such existing member of the Fire Brigade and such existing member of the Fire Brigade shall be deemed to be an officer or servant for the purposes of this Part of this Act.

(2) Every future member of the Fire Brigade shall be deemed to be an officer or servant for the purposes of this Part of this Act and Section 95 (Pensions to members of Fire Brigade) of the Act of 1911 shall not apply in the case of any future member of the Fire Brigade.

(3) In this Section the words "existing member of the Fire Brigade" mean a person who shall be a member of the Fire Brigade at the date of the passing of this Act or shall become a member of the Fire Brigade before the Corporation shall designate any post held by a member of the Fire Brigade as an established post for the purposes of this Part of this Act and the words "future member of the Fire Brigade" mean any person who shall become a member of the Fire Brigade after the Corporation shall have designated any post held by a member of the Fire Brigade as an established post for the purposes of this Part of this Act.

As to officers and servants formerly in the employment of the Belfast Street Tramways Co. or the Trustees of the Balmoral Industrial School or the Belfast Board of Guardians.

83. In calculating any superannuation allowance to be made under this Part of this Act to an officer or servant who was in the employment of the Belfast Street Tramways Company at the date of the transfer of the Undertaking of that Company to the Corporation under the provisions of the Act of 1904 or was in the employment of the Trustees of the Balmoral Industrial School at the date of the transfer of that School to the Corporation or was in the employment of the Belfast Board of Guardians at Whiteabbey Sanatorium at the date of the transfer of that Sanatorium to the Corporation the service rendered by such officer or servant to the said Belfast Street Tramways Company or to the Trustees of the said Balmoral Industrial School or to the Belfast Board of Guardians as the case may be shall be deemed to have been service in the permanent employment of the Corporation.

Saving for Local Government (Ireland) Act 1919, s. 8.

84. This Part of this Act shall not apply to any officer or servant of the Corporation to whom Section 8 of the

Digitized by Google

A.D. 1924.

Local Government (Ireland) Act 1919 applies and any such officer or servant shall not be deemed to be an officer or servant for the purposes of this Part of this Act.

Saving for express provisions affecting officers or servants.

85. Save as in this Act otherwise expressly provided nothing herein contained shall prejudice or affect any express provision contained in any Act of Parliament or any order confirmed by or having the effect of an Act of Parliament relative to any superannuation or retiring allowance or any other allowance of a similar character in the case of any officer or servant referred to in such provision.

PART IX.—FINANCIAL.

Power to borrow.

86.—(1) (*a*) The Corporation may from time to time (in addition to any moneys which they are now authorised to borrow or raise by the creation and issue of Belfast Corporation Stock) raise by the creation and issue of Belfast Corporation Stock in the manner provided by the Act of 1889 for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof;

(*b*) The sums payable to the loans fund established under the Act of 1889 for the payment of dividends on and towards redemption and extinction of the stock created and issued under the powers of this section for the said several purposes shall be payable out of the respective revenues funds and rates mentioned in the third column of the said table; and

(*c*) The amount of the annual sums payable to the loans fund established under the Act of 1889 towards the redemption and extinction of stock created and issued by the Corporation under the powers of this section shall be such as with accumulations at the rate of three and a half per centum per annum or such higher rate as may be prescribed from time to time by the Ministry of Home Affairs will suffice to redeem at par all stock so created within the respective periods from the date or respective dates of creation of the stock (except where otherwise stated) mentioned in the fourth column of the said table namely—

Digitized by Google

1. Purposes.	2. Amount.	3. Revenue Fund or Rate.	4. Period.
(*a*) For the construction of the Works authorised by Part II. of this Act.	£340,000	The general purposes fund and the general purposes rate	40 years.
(*b*) For the execution of the Street Works by this Act authorised.	£171,900	The general purposes fund and the general purposes rate	40 years.
(*c*) (i) For the construction of the Tramway.	£8,760	The Tramway revenue and the general purposes fund and the general purposes rate	20 years.
(ii) For the equipment of the Tramway	£640		20 years.
(iii) For the provision of Omnibuses	£10,000		10 years.
(*d*) For the purchase of lands for all or any of the purposes or under the powers of this Act.	£164,535	The general purposes fund and the general purposes rate	60 years.
	£3,600	The Borough Fund and the Borough rate	
(*e*) For the payment of the costs and expenses of obtaining this Act as hereinafter mentioned.	The sum requisite.	The general purposes fund and the general purposes rate	Five years from the passing of this Act.

(2) Money raised under this section shall be applied only to the purposes for which it is authorised to be raised and to which capital is properly applicable and not otherwise.

Alternative power to raise money by borrowing.

87. The Corporation may in regard to any money which they are authorised by this Act to raise by means of the creation and issue of Belfast Corporation Stock

Digitized by Google

A.D. 1924.

borrow or raise the sum or any part thereof by any of the following methods—

(1) The exercise of their powers under Section 89 of the Act of 1911 ;

(2) Granting mortgages in pursuance of the provisions of Part III. of the Act of 1913 ;

(3) The exercise of their powers under Section 18 of the Act of 1913.

Capital and revenue accounts to be kept separate.

88. All transactions of the Corporation under this Act in respect of the receipt and expenditure of capital whether received by way of loan or otherwise shall be shown in the books and accounts of the Corporation separately from those in respect of revenue.

Incorporating provisions as to estimate for rates of Act of 1899.

89. Section 36 (Estimate for General Purposes Rate to include amount required for purposes of this Act) of the Act of 1899 shall apply to the purposes of this Act as if that Section had been re-enacted in and for the purposes of this Act with the substitution of a reference to the Act of 1923 for the reference in the said section to the Act of 1896.

Expenses of execution of Act.

90. The Corporation shall pay out of the general purposes fund or the general purposes rate the expenses incurred by them in carrying into effect the provisions of this Act other than (*a*) such expenses as may be properly chargeable to capital account and (b) any expenses for the payment of which any other provision is made by this Act.

Temporary investment of moneys raised but not immediately required.

91. The Corporation may and if required by the Ministry of Home Affairs shall from time to time invest temporarily in a statutory security any sum raised by stock under this Act and not for the time being required for the purpose for which it is raised.

PART X.—MISCELLANEOUS.

Power to advertise the City.

92. The Corporation may advertise the City and the advantages facilities and amenities thereof in such way as they shall think fit and may defray the expenses of such advertising out of the borough fund or the borough rate. Provided that the sums expended by the Corporation

Digitized by Google

under the provisions of this section shall not in any one financial year exceed the amount that could be raised by a rate of one halfpenny in the pound on the rateable value of the city.

Provision of concerts fire-works displays entertainments, etc.

93.—(1) The Corporation may pay or contribute towards the payment of bands of music or vocal choirs and may provide or arrange for the provision or carrying on of suitable concerts entertainments fireworks displays athletic meetings exhibitions and amusements (all of which are in this section referred to as and included in the expression "entertainment") and for the sale of refreshments in any public buildings halls or rooms belonging to them or in any park or recreation ground for the time being vested in them or under their control or upon any land belonging or leased to them and may make such charges as they may think fit for admission thereto and the Corporation may let any such building hall or room or any park or recreation ground for the purpose of such entertainment or for the sale of refreshments for such periods or occasions and upon such terms and conditions as the Corporation may think fit. Provided that any letting other than for a period of less than one month under this section of any building hall or room for the purpose of an entertainment shall be by tender and the Corporation shall secure the best rent reasonably obtainable.

(2) The Corporation may in any park or recreation ground vested in them enclose an area for the purpose of any entertainment.

(3) The Corporation may provide and sell or authorise any person or persons to provide and sell programmes of any entertainment given in pursuance of this section.

(4) All sums received in respect of any public building hall room park or recreation ground under this section shall be paid into the fund out of which the expenses incurred by the Corporation for the purposes of such building hall room park or recreation ground are defrayed.

(5) All sums received by the Corporation under this section in respect of entertainments on the lands of Bellevue Drumnadrough or Hazelwood shall be carried to the credit of the tramway revenue.

(6) The Corporation may make by-laws for securing good and orderly conduct during any entertainment

Digitized by Google

A.D. 1924

provided or carried on in pursuance of the provisions of this section.

(7) The Corporation may pay or contribute towards the cost of providing and maintaining in the city and in newspapers published in the city advertisements of any entertainments given in pursuance of this section.

(8) All expenses incurred by the Corporation under the provisions of this section (other than expenses in respect of entertainments on the lands of Bellevue Drumnadrough and Hazelwood which shall be paid out of the tramway revenue) shall be paid out of the Borough Fund and all moneys received by them thereunder (other than moneys received by them in respect of entertainments on the said lands of Bellevue Drumnadrough and Hazelwood which shall be carried to the credit of the tramway revenue) shall be carried to the credit of the Borough Fund; Provided always that the net amount of any payments or contributions made by the Corporation under the provisions of this section after deducting any moneys received by them thereunder shall not in any one year exceed a sum equivalent to that which would be produced by a rate of one penny in the pound levied on the property in the city assessable in that year to the Borough Rate.

Power to make charges for use of portions of parks, etc., for certain purposes.

94.—(1) The Corporation may make such reasonable charges as they may think fit for the use of any portion of a public park or pleasure or recreation ground set apart by the Corporation for any purpose under paragraph (B) of sub-section (1) of section 76 of the Public Health Acts Amendment Act 1907 and they may also make such further charge as they may think fit for the admission of the public thereto respectvely while so set apart.

(2) The Corporation may make by-laws with respect to the portions of public parks or pleasure or recreation grounds so set apart by them under the provisions of Section 76 of the Public Health Acts Amendment Act 1907 and with respect to the admission thereto and for prescribing the ages at which persons may be admitted thereto and permitted to take part in any games or sports in the same and for the preservation of order and prevention of nuisances therein and any person offending against any by-law made under the provisions of this section shall be liable to a penalty not exceeding forty shillings.

Digitized by Google

A.D. 1924.

(3) The Corporation may from time to time enter into and carry into effect agreements with any clubs or associations by which the exclusive use of any portion of any park or pleasure or recreation ground set apart by the Corporation in pursuance of the provisions of section 76 of the Public Health Acts Amendment Act 1907 may be secured to such clubs or associations on such occasions or for such periods as the Corporation may agree.

Amending certain provisions of Act of 1865.

95. As from the date of the passing of this Act the Act of 1865 shall be amended in the following respects (that is to say)—

(1) Section 78 (Power to order widening &c. of existing streets) shall be read and have effect as if the word "sixty" were substituted therein for the word "fifty";

(2) Section 81 (Appeal by landowner) shall be read and have effect as if the words "Recorder's Court" were substituted therein for the words "next Assizes"; and

(3) Section 83 (Order of Appeal) shall be read and have effect as if the words "The Recorder of the City" were substituted therein for the words "The Judge of Assize presiding in the Crown Court"

and for the removal of doubts it is hereby declared that the Corporation may at their option by any such Order as is referred to in the said provisions of the Act of 1865 direct that any widening referred to in such Order or any works in connection therewith shall be executed by them instead of by the owners of the lands affected by such widening.

Amendment of Section 31 of Act of 1923.

96. Section thirty-one of the Act of 1923 shall be amended by the substitution of the words "with the" for the word "without" occurring in the proviso thereto.

Application of provisions of previous Acts.

97. Subject to the provisions of this Act the following Sections of the Act of 1923 shall with any necessary modifications extend and apply to the exercise of the powers of this Act as if those sections had been re-enacted in this Act namely—

Digitized by Google

A.D. 1924.

Section 60 (Confirmation of By-laws);
Section 62 (As to Arbitrations);
Section 63 (Inquiries by Ministry of Home Affairs);
Section 64 (Informations by whom to be laid);
Section 65 (Compensation how to be determined);
Section 66 (As to Appeal);
Section 67 (Application of Section 264 of Public Health (Ireland) Act 1878);
Section 68 (Consent of Corporation to be in writing);
Section 69 (Recovery of Penalties &c.);
Section 70 (Damages and Charges to be settled by Court);
Section 72 (Saving for Indictments &c.);
Section 73 (Recovery of Demands);
Section 74 (Judges not disqualified); and
Section 75 (Powers of Act cumulative).

Saving rights of Belfast Harbour Commissioners.

98. Save in this Act otherwise expressly provided nothing herein contained shall extend or be construed to extend to take away prejudice lessen or affect any of the powers rights privileges exemptions or authorities of the Belfast Harbour Commissioners now vested in them as such Commissioners.

Crown foreshore rights

99. Nothing in this Act contained authorises the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

Crown Rights.

100.—(*a*) Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

(*b*) Without prejudice to any existing right of His Majesty and save as provided by the Army Act and the Air Force Act nothing in this Act shall extend to authorise

Digitized by Google

A.D. 1924.

any tolls rates duties or charges to be demanded or received from any person when on duty in the service of the Crown or for any animal vehicle vessel or goods the property of or being used in the service of the Crown or returning after being so used or from any police officer or constable acting in the execution of his duty or for any mail bag as defined by the Post Office Act 1908.

(c) If any person wilfully and with intent to defraud claims or takes the benefit of any exemption under this section without being entitled thereto he shall for every such offence be liable on summary conviction to a fine not exceeding ten pounds.

Costs of Act.

101. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Corporation out of the general purposes fund and rate of the city.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Session and Chapter.	Description or Short Title.
8 & 9 Vict. cap. cxlii.	An Act for the Improvement of the Borough of Belfast (1845),
9 & 10 Vict. ccxciv.	An Act for better Lighting and Improving the Borough of Belfast (1846).
10 & 11 Vict. ccliv.	An Act for the further Improvement of the Borough of Belfast (1847).
13 & 14 Vict. cviii.	The Belfast Improvement Act 1850.
16 & 17 Vict. cxiv.	The Belfast Borough Extension Act 1853.
27 & 28 Vict. cxcviii.	The Belfast Award Act 1864.
28 & 29 Vict, cap. clxxxiii.	The County Antrim and Belfast Borough Act 1865.
29 & 30 Vict. cap. cxiii.	The Belfast Burial Ground Act 1866.
31 & 32 Vict. cap. cxvii.	The Belfast Borough Act 1868.
36 & 37 Vict. cap. cxcix.	The Local Government Board (Ireland) Provisional Order (Belfast) Confirmation Act 1873.
37 & 38 Vict. cap. cxxv.	The Belfast Corporation Gas Act 1874.
40 & 41 Vict. cap. cxxii.	The Local Government Board (Ireland) Provisional Orders (Artisans and Labourers Dwellings) Confirmation Act 1877 (Borough of Belfast Order).
41 & 42 Vict. cap. clxxx.	The Belfast Improvement Act 1878.

Digitized by Google

Session and Chapter.	Description or Short Title.
47 & 48 Vict. cap. xciii.	The Belfast Improvement Act 1884.
50 & 51 Vict. cap. xxiii.	The Belfast Corporation (Lagan Bridge) Act 1887.
50 & 51 Vict. cap. cxviii.	The Municipal Corporation of Belfast Act 1887.
50 & 51 Vict. cap. cxxvii.	The Belfast Main Drainage Act 1887.
52 & 53 Vict. cap. xliii.	The Belfast Corporation Act 1889.
53 & 54 Vict. cap. cv.	The Belfast Corporation (Various Powers) Act 1890.
53 & 54 Vict. cap. cxli.	The Belfast Parliamentary Borough Registration Act 1890.
53 & 54 Vict. cap. cxcii.	Electric Lighting Orders Confirmation (No. 7) Act 1890 (Belfast Electric Lighting Order 1890).
54 & 55 Vict. cap. lvii.	Local Government Board (Ireland) Provisional Orders Confirmation (No. 3) Act 1891 (Local Government Board (Ireland) Provisional Order Belfast Streets Improvement 1891).
54 & 55 Vict. cap. cxliv.	Municipal Registration (Dublin and Belfast) Act 1891.
55 & 56 Vict. cap. ccx.	The Local Government Board (Ireland) Provisional Order Confirmation (No. 3) Act 1892.
55 & 56 Vict. cap. ccxxxi.	The Belfast District (Lunatic Asylums &c.) Act 1892.
59 & 60 Vict. cap. ccxlvi.	The Belfast Corporation Act 1896.
61 & 62 Vict. cap. liii.	The City of Belfast (Hospitals) Act 1898.
62 & 63 Vict. cap. ccxlvi.	The Belfast Corporation Act 1899.
2 Edw. VII. cap. cix.	The Belfast Corporation Act 1902.
4 Edw. VII. cap. ccxxix.	The Belfast Corporation (Tramways) Act 1904.
5 Edw. VII. cap. cxxiii.	The Local Government Board (Ireland) Provisional Orders Confirmation (No. 2) Act 1905 (The Belfast Order 1905).
8 Edw. VII. cap. cxxvi.	The Local Government Board (Ireland) Provisional Orders Confirmation (No. 3) Act 1908 (Belfast Order 1908).
10 Edw. VII. and 1 Geo. V. cap. xlv.	The Belfast Corporation (Tramways) Act 1910.
1 & 2 Geo. V. cap. cxc.	The Belfast Corporation Act 1911.
2 & 3 Geo. V. cap. ix.	The Belfast Corporation Act 1912.
3 & 4 Geo. V. cap. c.	The Belfast Corporation Act 1913.
4 & 5 Geo. V. cap. xxxviii.	The Belfast Corporation Act 1914.
11 & 12 Geo. V. cap. lxv.	The Local Government Board (Ireland) Provisional Orders Confirmation Act 1921.
13 & 14 Geo. V. cap. iv.	The Belfast Corporation Act (Northern Ireland) 1923.

Digitized by Google

A.D. 1924.

THE SECOND SCHEDULE.

SECTIONS OF THE BELFAST STREET TRAMWAYS ACT 1872.

Number of Section	Marginal Note
46	Power to break up streets, &c.
47	Completion of work and reinstatement of roads.
54	Right of user only.
63	Penalty for obstruction of company in exercise of their powers.
71	Persons using tramways with carriages with flange wheels &c. to forfeit £20 on each occasion to the company.
77	Reservation of right of public to use streets.
92	List of Tolls &c. to be exhibited in carriages and at stations.
93	Tolls to be paid as directed by the company.
94	Penalty on passengers practising frauds on the company.
95	Such offenders may be detained.
96	Penalty for bringing dangerous goods on the tramway.
97	By-laws.
98	Penalties in By-laws.
99	Proof of By-laws.
108	Recovery and application of penalties.

THE THIRD SCHEDULE.

DESCRIBING PROPERTIES OF WHICH PORTIONS ONLY MAY BE REQUIRED.

Work No.	Situation of Work	Sheet No.	Nos. on Deposited Plans.
5	Lagan	2	9, 10
7	,,	2	16, 17
8	,,	2	4, 6, 7, 9, 10
10	Shore Road	8	1, 2
12	Limestone Road	10	1, 2, 3
16	Skipper Street	16	1, 2, 3, 4
17	New Lodge Rd. and Donore Street	16	1, 2, 3, 4, 5, 6, 7, 8
18	Millfield	17	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 13, 14
19	Upper Library Street	17	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 14
20	Shankill Road	17	1, 2
22	Lagan Street	18	1, 2, 3, 4, 5, 6, 7, 8
25	University Road	20	2, 5
26	Malone Road	23	4
27	Falls Road	24	2
29	Ravenhill Road	25	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 13, 14, 15, 16

Digitized by Google

A.D. 1924.

Work No.	Situation of Work.	Sheet No.	Nos. on Deposited Plans.
29	Ravenhill Road	25	17, 18, 19
30	Newtownards Road	26	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 13, 14, 15, 16, 17
30	,, ,,	26	18
30A	,, ,,	26	4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 15, 16, 17
31 & 31A	Madrid Street and Albertbridge Road	26	1, 2, 3, 4, 5, 6, 7, 8, 11, 12
36	Belmont Road	29	1, 2

CHAPTER v.

An Act to provide for the Transfer to the Mayor Aldermen and Burgesses of the City of Londonderry of the Undertaking of the Londonderry Bridge Commissioners and to authorise the said Mayor Aldermen and Burgesses to maintain work and regulate the same; to widen raise and reconstruct the Londonderry Bridge and the approaches thereto; to construct works for the purposes of their water undertaking and to make a street improvement; to confer further powers upon the said Mayor Aldermen and Burgesses with respect to their Water Electricity Markets and Omnibus Undertakings; to make further provision for the improvement and good government of the City; and for other purposes. [29th May, 1924.]

Preamble.

WHEREAS the City of Londonderry (in this Act called "the City") is under and by virtue of the Local Government (Ireland) Act 1898 a county borough and is subject to the Acts relating to municipal corporations in Northern Ireland and the Mayor Aldermen and Burgesses of the City acting by the Council thereof (in this Act called "the Corporation") are the urban sanitary authority for the district thereof under the Public Health (Ireland) Acts:

Digitized by Google

A.D. 1924

And whereas under and by virtue of the Londonderry Bridge Acts 1852 and 1859 the Londonderry Bridge Commissioners (in this Act called "the Commissioners") were incorporated and continued and under and by virtue of the last-named Act constructed the Londonderry Bridge commonly known as the "Carlisle Bridge" across the River Foyle within the City (in this Act called "The Bridge"): and the Honourable the Irish Society contributed a sum of ten thousand pounds towards the reduction of the mortgage debts incurred by the Commissioners for the building of the bridge:

And whereas in accordance with the provisions of the Londonderry Bridge Act 1859 the bridge was constructed with two roadways the upper roadway being appropriated exclusively to general road traffic and the lower roadway adapted for the passage thereon of carriages constructed for passage upon railways and the Commissioners were empowered to levy tolls in respect of the user of each of the said roadways:

And whereas the said upper roadway is now toll free and the Honourable the Irish Society contributed nearly forty thousand pounds towards rendering the same toll free but the Commissioners demand and take tolls in accordance with the provisions of the Londonderry Bridge Act 1859 and the Londonderry Bridge Act 1920 in respect of the use for certain railway traffic of the said lower roadway:

And whereas under and by virtue of the Londonderry Bridge Act 1877 the Commissioners established certain ferries across the River Foyle within the City and provided steam and other ferryboats and landing-stages for passengers and works and other conveniences connected therewith and demanded and levied tolls in respect thereof in accordance with the provisions of the last-mentioned Act:

And whereas by the Londonderry Bridge Act 1920 the tolls rates and charges which the Commissioners were authorised to demand and levy under the Londonderry Bridge Acts 1859 and 1877 were increased:

And whereas by the joint effect of Section 10 and Section 28 of the Londonderry Bridge Act 1877 it was provided that in case the funds derived from the use of

Digitized by Google

A.D. 1924.

the lower roadway of the Bridge and from the ferries should not be sufficient to keep the bridge in repair then it should be lawful for the grand juries of the City and county of Londonderry and the county of Tyrone respectively and they were thereby required from time to time at any assizes before which thirty-one days' notice in writing to the secretaries of the said grand juries respectively should have been given by the Commissioners of such deficiency to present at any such assizes such an amount as might be necessary for the purpose of keeping the bridge in repair not exceeding the sum of one thousand pounds and that such amount should be levied and raised in manner in the said Act provided upon the owner or occupier (as the case might be) of lands tenements and hereditaments chargeable with the payment of county cess or grand jury rate and to the extent and in the proportions in which they were so chargeable in the following poor law electoral divisions or the townlands comprised therein respectively (that is to say):—

In the City and county of Londonderry—

City and suburbs Waterside Lower Liberties Upper Liberties Glendermott Lough Enagh Ardmore Bondsglen Claudy Eglinton Tamnaherrin all in the Union of Derry and Faughanvale in the Union of Limavady.

In the county of Tyrone—

Dunalong Ballymagorry Ballyneanor Mountcastle and Dunnamanagh all in the Union of Strabane;

And whereas by an Order of the Local Government Board for Ireland made on the twenty-third day of January one thousand nine hundred and three under the Local Government (Ireland) Act 1898 intituled "The Londonderry (County and County Borough) Adjustment Order 1903" (hereinafter called "the Order of 1903") after reciting (inter alia) the provisions of the Londonderry Bridge Act 1877 hereinbefore set forth it was provided that the Corporation should from time to time raise in the county borough of Londonderry by means of the poor rate but as a separate item thereof six thousand three hundred and fifty-eight ten-thousandth parts of the total amount of any sum which the Com-

Digitized by Google

A.D. 1924.

missioners were or might be entitled to receive under the provisions of the said Section 28 of the Londonderry Bridge Act 1877 (hereinafter called "the total amount") and that the Londonderry County Council should raise over so much of the county as was comprised in the area fixed in accordance with the provisions of Section 14 of the Londonderry Bridge Act 1877 by the referee appointed under the provisions of Section 11 of that Act two thousand nine hundred and thirty-six ten-thousandth parts of the total amount leaving the remainder of the total amount (namely) seven hundred and six ten-thousandth parts thereof to be raised by the Tyrone County Council in similar manner:

And whereas by Section 3 of the Londonderry Bridge Act (Northern Ireland) 1922 (hereinafter called "the Bridge Act of 1922") the said Section 28 of the Londonderry Bridge Act 1877 was amended as if the words "two thousand pounds" were substituted therein for the words "one thousand pounds" and it was provided that the sum of four thousand pounds should accordingly be the maximum sum which the Commissioners might be entitled to receive from the Corporation the Londonderry County Council and the Tyrone County Council under the provisions of such last mentioned section as amended by the Order of 1903.

And whereas by Sections 4, 5, 6, 7 and 8 of the Bridge Act of 1922 or one or other of them:—

(*a*) The Commissioners were empowered to borrow upon the security of the moneys derived by the Commissioners from the use of the Lower Roadway of the Bridge and the annual sum of £3,000 authorised to be raised and levied in manner hereinafter recited any sum or sums of money not exceeding in the whole £20,000 and to apply the same for certain purposes therein specified including the discharge of the the then existing indebtedness of the Commissioners in connection with their Ferries undertaking the payment of the necessary costs (not exceeding the sum of £15,000) of the renewal painting strengthening and repair of the bridge and the provision of a reserve fund; and

Digitized by Google

A.D. 1924.

(*b*) It was (inter alia) provided in effect that for the purposes of repaying the loan to be effected by the Commissioners together with interest thereon and of levying and raising the respective proportions of the charges in respect of principal and interest referable to the said loan and of creating and maintaining the said reserve fund the Commissioners should be entitled to require payment from the Corporation and the County Councils of Londonderry and Tyrone respectively of the necessary yearly payments for the purposes aforesaid (such payments not to exceed the sum of £3,000 per annum) and that such payments should from time to time be levied and raised by the Corporation and by the County Councils of Londonderry and Tyrone out of the poor rate in the same proportions at the same times in and over the same contributory areas (as existing or amended under the provisions of the Bridge Act of 1922 now under recital) and in the same manner in all respects as the sum which the Commissioners might be entitled to receive from time to time from the Corporation and the County Councils respectively under the provisions of the said Section 28 of the Londonderry Bridge Act of 1877 as amended by the Order of 1903 and the Bridge Act of 1922.

And whereas by Section 9 of the Bridge Act of 1922 it was provided (inter alia) that after the passing of that Act it should be lawful for the Ministry of Home Affairs and that Ministry was thereby required to appoint a person to hold an enquiry in the City and report to the said Ministry as to the expediency (due regard being had to the benefit to be derived from the Bridge) of extending and if so to what extent the area over which the said sums of £4,000 and £3,000 respectively by that Act authorised to be levied and raised should be so levied and raised or of exempting entirely or in part the present contributory areas from any future proportions or contributions to the cost of the maintenance and repair of the Bridge and from contributions to the reserve fund and as to the proportions in which the said annual sums should be levied and raised over the areas in which in the opinion of the person

Digitized by Google

holding the enquiry the same should be levied and raised; and further that after considering the report of the person holding any such enquiry the Ministry of Home Affairs might by Order define the areas over which and prescribe the proportions in which the said annual sums not exceeding £4,000 and £3,000 respectively should be raised; and that the areas and proportions so prescribed should from the date of the Order coming into operation be substituted until amended by any subsequent Order (which the said Ministry were empowered to make after the holding of another enquiry or enquiries) for all the purposes of the Bridge Act of 1877 and the Bridge Act of 1922 for the areas over and the proportions in which the sum which the Commissioners were immediately prior to the Bridge Act of 1922 entitled to receive under the provisions of the said Section 28 of the Bridge Act of 1877 as amended by the Order of 1903 was levied and raised.

And whereas Robert John Newell the person appointed in that behalf by the Ministry of Home Affairs duly held an enquiry in the City in the month of September 1923 under the said Section 9 of the Bridge Act of 1922 but no Order of the said Ministry under the said section had been made down to the time of the deposit of the Bill for this Act.

And whereas in order to bring the Bridge up to the standard required by modern traffic conditions it is urgently necessary that the same and the approaches thereto should be widened raised and reconstructed as in this Act provided.

And whereas the Ferries have been partially discontinued and such ferry service as is being provided is provided by a licensee working the same under temporary licence granted by the Commissioners.

And whereas it is accordingly expedient that the undertaking of the Commissioners comprising the Bridge and the said Ferries undertaking should be transferred to the Corporation as in this Act provided and that the Corporation should be authorised to make and maintain the widening raising and reconstruction of the Bridge and the works connected therewith by this Act authorised (hereinafter collectively referred to as "the Bridge Improvement") and to acquire lands and easements

Digitized by Google

A.D. 1924.

therefor and to maintain work and regulate the Bridge and maintain improve increase work and regulate the the said Ferries.

And whereas the Corporation are the owners of the water undertaking of the City and it is expedient to authorise the Corporation to construct the road referred to in this Act for the purposes of that undertaking and to acquire lands therefor and that the other provisions with regard to that undertaking set forth in this Act should be enacted.

And whereas it is expedient to authorise the Corporation to execute the street improvement described in this Act and to acquire lands therefor.

And whereas it is expedient that the Corporation should be empowered to acquire lands for the other purposes specified in this Act.

And whereas the Corporation are the owners of the Omnibuses Undertaking and the Markets Undertaking of the City and it is expedient that the provisions in this Act contained in relation to those undertakings respectively should be enacted.

And whereas it is expedient that further powers should be granted to the Corporation for the improvement and better government of the City.

And whereas it is expedient that the Corporation should be authorised to borrow money for the purposes of this Act and that the other provisions contained in this Act should be enacted.

And whereas the purposes of this Act cannot be effected without the authority of the Parliament of Northern Ireland.

And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned and such estimates are as follows:—

		£
(*a*)	For the provision of boats machinery landing stages and other works in connection with the Ferries undertaking	10,000
(*b*)	For the purchase of lands and easements for and for the construction of the Bridge Improvement by this Act authorised	290,000

Digitized by Google

		£
(*c*)	For the purchase of lands for and the construction of the Waterworks by this Act authorised	1,000
(*d*)	For the purchase of lands and the construction of the street improvement and works by this Act authorised ..	3,500
(*e*)	For the purchase of lands for the purposes of the extension of the city cemetery	4,125
(*f*)	For the purchase of lands for and for the erection of a sub-station for the transforming of electricity and other buildings for the purposes of the electricity undertaking .. .	11,700
(*g*)	For the purchase of lands for the purposes of general City Improvement.	6,000

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the cost thereof should be spread over a term of years.

And whereas the Bridge and the Ferries undertaking of the Commissioners include permanent works and it is expedient that the repayment of the moneys to be paid by the Corporation in respect of the debts and liabilities of the Commissioners should be spread over a term of years.

And whereas the Corporation have complied with the requirements of the Borough Funds (Ireland) Act 1888 in relation to the promotion of the Bill for this Act.

And whereas plans and sections showing the lines situation and levels of the works authorised by this Act and plans showing the lands which may be acquired or used under the powers of this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of and describing such lands have been deposited with the Clerk of the Crown and Peace for the County of Londonderry and of the County of the City and are in this Act referred to respectively as "the desposited plans sections and book of reference."

Digitized by Google

A.D. 1924.

MAY IT THEREFORE PLEASE YOUR MAJESTY

That it may be Enacted and BE IT ENACTED by the King's Most Excellent Majesty and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

PART I.

PRELIMINARY.

Short and collective titles.

1. This Act may be cited as " the Londonderry Corporation Act (Northern Ireland) 1924 " and this Act and the Londonderry Improvement Act 1848 the Londonderry Improvement Act 1852 the Londonderry Improvement Act 1855 the Londonderry Improvement Act 1864 the Londonderry Improvement Act 1896 the Londonderry Corporation Act 1918 and the Londonderry Corporation Act 1920 may be cited together as the Londonderry Corporation Acts 1848 to 1924.

Division of Act into Parts.

2. This Act is divided into Parts as follows :—

Part I.—Preliminary.

Part II.—Transfer to Corporation of undertaking of Londonderry Bridge Commissioners and maintenance working and regulation of same.

Part III.—Bridge works.

Part IV.—Water.

Part V.—Street Improvement.

Part VI.—Lands.

Part VII.—Omnibuses.

Part VIII.—Markets.

Part IX.—Financial.

Part X.—Miscellaneous.

Incorporation of Acts.

3. The following Acts and Parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely) :—

(1) The Lands Clauses Acts with the following exception and modification—

Digitized by Google

A.D. 1924.

(*a*) Section 127 of the Lands Clauses Consolidation Act 1845 is not incorporated with this Act;

(*b*) the bond required by Section 85 of the Lands Clauses Consolidation Act 1845 shall be under the seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section.

(2) Sections 6 12 13 14 and 15 of the Waterworks Clauses Act 1847.

(3) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof. And for the purposes of such incorporation—

(*a*) "The Company" shall be construed to mean "the Corporation"

(*b*) "The railway" shall be construed to mean—

(i) In the case of the Work authorised by Part III. (Bridge Works) of this Act the widening raising and reconstruction of the Bridge and of the approaches thereto;

(ii) In the case of the Works authorised by this Act other than such last-mentioned Work, the said Works respectively.

(*c*) "The centre of the railway" shall be construed to mean—

(i) In the case of the Work authorised by Part III (Bridge Works) of this Act, any part of the widening raising and reconstruction of the Bridge and of the said approaches;

(ii) In the case of the Works authorised by this Act other than such last-mentioned work the centre line of the said Works respectively.

Interpretation.

4. In this Act the several words and expressions to which meanings are assigned by the Public Health (Ireland) Acts 1878 to 1919 or by the Local Government (Northern Ireland) Acts 1898 to 1923 have the same respective

Digitized by Google

A.D. 1924.

meanings unless there be something in the subject or context repugnant to such construction and in this Act unless the subject or context otherwise requires—

"The City" means the City and county borough of Londonderry:

"The Corporation" means the Mayor aldermen and burgesses of the City:

"The Council" means the Town Council of the City:

"The borough fund" "the borough rate" "the improvement fund" and "the improvement rate" mean respectively the borough fund the borough rate the improvement fund and the improvement rate of the City:

"The Ministry of Home Affairs" means the Ministry of Home Affairs for Northern Ireland:

"The Ministry of Commerce" means the Ministry of Commerce for Northern Ireland:

"The Local Government Act" means the Local Government (Ireland) Act 1898:

"The Commissioners" means the Londonderry Bridge Commissioners:

"The Harbour Commissioners" means the Londonderry Port and Harbour Commissioners.

"The Northern Counties Committee" means the Northern Counties Committee of the London Midland and Scottish Railway Company.

"The Londonderry County Council" means the County Council of the County of Londonderry and "the Tyrone County Council" means the County Council of the County of Tyrone.

"The Bridge Act of 1859" "the Bridge Act of 1877" "the Bridge Act of 1920" and "the Bridge Act of 1922" mean respectively the Londonderry Bridge Act 1859 the Londonderry Bridge Act 1877 the Londonderry Bridge Act 1920 and the Londonderry Bridge Act (Northern Ireland) 1922.

Digitized by Google

A.D. 1924.

"The Order of 1903" means the Order of the Local Government Board for Ireland dated the twenty-third day of January one thousand nine hundred and three made under the Local Government Act intituled "The Londonderry (County and County Borough) Adjustment Order 1903":

"The Act of 1918" means the Londonderry Corporation Act 1918:

"The Irish Society" means the Society of the Governor and Assistants (London) of the New Plantation in Ulster within the realm of Ireland:

"The bridge" and "the existing bridge" mean the Carlisle Bridge Londonderry:

"The ferries" means the ferries by this Act transferred to vested in or acquired or established by the Corporation under the powers of this Act:

"The bridge and ferries undertaking of the Commissioners" means the bridge and the ferries of the Commissioners and all rights of ferrying across the Foyle within the City and shall include the lands with the ferry houses and toll houses turn-stiles shelters buildings stages steps walls piers and approaches situate within the City and all boats oars engines machinery plant moorings rights of mooring gear equipment yards and stores belonging to and used and enjoyed by the Commissioners in maintaining managing carrying on and regulating the bridge and in working the said ferries and also all rights powers authorities and privileges of the Commissioners in respect of the bridge and ferries under the Bridge Act of 1859 the Bridge Act of 1877 the Bridge Act of 1920 the Bridge Act of 1922 or some or one of those Acts or any other Act of Parliament or any charter grant lease or otherwise:

"The bridge and ferries undertaking" means the bridge and ferries undertaking of the Commissioners by this Act transferred to and vested in the Corporation except so far as the rights powers authorities and privileges included in

Digitized by Google

A.D. 1924.

the said last-mentioned undertaking are repealed modified or limited by this Act and the powers rights authorities and privileges by this Act conferred upon the Corporation in connection therewith and all improvements thereto effected by the Corporation under the powers of this Act:

"The bridge undertaking" and "the ferries undertaking" mean respectively so much of the bridge and ferries undertaking as consists of or appertains to the bridge and the ferries respectively:

"The bridge tolls" and "the ferry tolls" mean respectively the tolls which the Corporation are by this Act authorised to demand receive and recover in respect of the lower roadway of the bridge and of the ferries and "the bridge and ferry tolls" means the bridge tolls and the ferry tolls:

"The transfer" means the transfer effected by this Act of the bridge and ferries undertaking of the Commissioners:

"The day of transfer" means the thirtieth day after the date of the passing of this Act.

"The Bridge Improvement" means the widening raising and reconstruction of the Bridge and of the approaches thereto and the works temporary or otherwise connected therewith by this Act authorised:

"The City Cemetery" means the cemetery of the Corporation situate within the City and known as the City Cemetery:

"Omnibus Undertaking" and "Electricity Undertaking" mean respectively the omnibus undertaking and the electricity undertaking for the time being of the Corporation:

The expressions "Water Undertaking" "Statutory Securities" "The Mayor" and "The Town Clerk" shall have the same meanings as those assigned to those expressions respectively by the Act of 1918.

Digitized by Google

A.D. 1924.

"The City Accountant" means the Accountant of the City and includes any person duly authorised to discharge temporarily the duties of that office.

PART II.

TRANSFER TO CORPORATION OF UNDERTAKING OF LONDONDERRY BRIDGE COMMISSIONERS AND MAINTENANCE WORKING AND REGULATION OF SAME.

Transfer of bridge and ferries undertaking of Commissioners.

5. As from the day of transfer and subject to the provisions of this Act the bridge and ferries undertaking of the Commissioners shall be and the same is by virtue of this Act transferred to and vested in and shall be exercisable and enjoyed by the Corporation subject to and with the benefit of the obligations duties powers rights and privileges in or by this Act contained or conferred upon the Corporation in respect thereof but absolutely freed and discharged from all obligations and duties not expressly imposed by and enacted or re-enacted in this Act.

Power to purchase interest of existing Lessee &c. of ferry tolls.

6. The Corporation may if they think fit at any time after the passing of this Act purchase and take from any lessee or licensee of the ferry tolls whose lease or licence from the Commissioners may be subsisting at the passing of this Act (not being a lease or licence determinable within not more than six months after the passing of this Act by notice given by the Commissioners or the Corporation to the lessee or licensee) the estate and interest of such lessee or licensee under the said lease or licence and the provisions of the Lands Clauses Acts with reference to the purchase and taking of lands otherwise than by agreement as amended by the Acquisition of Land (Assessment of Compensation) Act 1919 shall with the necessary alterations extend to the purchase and taking of such estate and interest as if the same were lands within the meaning of those Acts.

Copy of Act to be evidence of transfer.

7. The production of a copy of this Act printed under the superintendence or authority of the Officer appointed to print the Acts of the Parliament of Northern Ireland shall be conclusive evidence in all courts and proceedings of the transfer to and vesting in the Corporation of the bridge and ferries undertaking of the Commissioners.

Digitized by Google

A.D. 1924.

Payment of Commissioners' debts and liabilities.

8. Subject to the provisions of this Act all debts and liabilities incurred by the Commissioners in respect of their bridge and ferries undertaking and existing on the day of transfer shall be paid and discharged by the Corporation.

Pending actions.

9. If at the day of transfer any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing by or against or in favour of the Commissioners in respect of the bridge and ferries undertaking of the Commissioners the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced by or against or in favour of the Corporation as and when it might have been continued prosecuted and enforced by or against or in favour of the Commissioners if this Act had not been passed but not further or otherwise.

Contracts of Commissioners to be binding on Corporation.

10. Subject to the provisions of this Act all purchases sales agreements contracts conveyances deeds and other instruments affecting the bridge and ferries undertaking of the Commissioners and in force on the day of transfer shall after the transfer be as binding and of as full force and effect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the Commissioners the Corporation had been a party thereto.

Delivery of books, &c. and of moneys and securities to Corporation.

11. Not later than on the day of transfer the Commissioners shall deliver to the Corporation all agreements contracts conveyances deeds and other instruments plans drawings elevations sections specifications estimates and working drawings and all account and other books documents reports and papers in their possession relating to the bridge and ferries undertaking of the Commissioners. And not later than the same day the Commissioners shall pay or transfer to the Corporation any moneys securities for money stocks funds and securities belonging to the Commissioners in right or for the purposes of the bridge and ferries undertaking of the Commissioners and which shall not have been applied to the reduction of the debts and liabilities of the Commissioners to be paid and discharged by the Corporation under the provisions of this part of this Act.

Digitized by Google

A.D. 1924.

Books &c. to remain evidence.

12. All books and documents which if the transfer had not been made would have been evidence in respect of any matter for or against the Commissioners shall after the transfer be admitted in evidence in respect of the same or the like matter for or against the Corporation.

Maintenance of bridge and ferries undertaking of Commissioners until transfer.

13. Until the transfer the bridge and ferries undertaking of the Commissioners shall be maintained and carried on by the Commissioners as heretofore in the ordinary course of business but the Commissioners shall not without the previous consent of the Corporation under the hand of the town clerk make or enter into any contract agreement or obligation except such as shall be in the ordinary course of the maintenance of the works and the proper conduct of the bridge and ferries undertaking of the Commissioners and shall not without such consent as aforesaid exercise any of the powers of borrowing money conferred upon them by the Bridge Act of 1922 or otherwise.

Partial repeal of Commissioners' Acts &c.

14.—(1) Upon the day of transfer the Bridge Acts of 1859 1877 1920 and 1922 shall be and are hereby repealed except—

(*a*) So far as may be necessary for carrying into effect the provisions of the section of this Act the marginal note of which is "Winding up and dissolution of Commissioners."

(*b*) So much of the said Acts as is necessary to give effect to the provisions of the Section of this Act the marginal note of which is "Contracts of Commissioners to be binding on Corporation."

(*c*) The Sections of the Bridge Acts of 1859 and 1877 which are set forth in the First Schedule to this Act and which shall apply and have effect in all respects in relation to the bridge and ferries undertakings and apply to the Corporation in respect thereof as if the Corporation were therein referred to instead of the Commissioners. Provided that so much of section 29 of the Bridge Act of 1877 (Railway companies may contribute towards freeing upper and lower roadways from toll) as relates to the upper roadway of the Bridge shall not be excepted from such repeal.

Digitized by Google

A.D. 1924.

(*d*) Subsections (i) and (iii) of Section 14 (for protection of Londonderry Port and Harbour Commissioners) of the Bridge Act of 1922.

Provided that if the Harbour Commissioners shall discontinue the haulage of traffic on the lower roadway of the bridge all such agreements as are referred to in the said Section 14 of the Bridge Act of 1922 shall thereupon cease to have any force or effect and that section shall be wholly repealed.

(2) Notwithstanding the saving from repeal under the provisions of sub-section (1) of this Section of Section 76 (Weights allowed to be carried over the Bridge) of the Bridge Act of 1859 the Ministry of Home Affairs may at any time and from time to time after the passing of this Act on being satisfied as to the safety of the Bridge by order (which the Ministry are hereby authorised to make) increase the maximum weight specified in that Section and upon the completion of the Bridge Improvement that Section shall be and is hereby repealed.

Partial repeal of the Order of 1903.

15. Upon the day of transfer so much of the Order of 1903 as relates to the Bridge Undertaking shall be and is hereby repealed.

For protection of the Londonderry and Tyrone County Councils.

16. Notwithstanding anything contained in the Bridge Acts of 1859 1877 1920 and 1922 the Order of 1903 or this Act the Londonderry County Council and the Tyrone County Council and all rateable hereditaments in their said respective Counties shall be released from all liability past present or future in respect of the costs expenses and charges in connection with the upkeep maintenance repair or reconstruction of the Bridge or any Bridge which may be substituted therefor and from any contributions in respect of any debt due by the Bridge Commissioners save and except all sums already paid to the Bridge Commissioners by the said respective County Councils and save and except the sum of ninety-eight pounds four shillings and elevenpence a demand for which has been made upon the Londonderry County Council for deficit in respect of the Bridge up to the thirty-first day of December One thousand nine hundred and twenty-three and also the sum of five hundred and forty-four pounds five shillings and fivepence a demand for which has been made upon the Londonderry County Council in

Digitized by Google

A.D. 1924.

respect of instalments and interest on loan in connection with the Bridge which said respective sums af ninety-eight pounds four shillings and elevenpence and five hundred and forty-four pounds five shillings and fivepence shall be paid by the Londonderry County Council to the Corporation.

Tolls rents and charges to continue in force.

17. Notwithstanding the repeal of so much of the Bridge Acts of 1859 1877 1920 and 1922 as is not by this Act specifically excepted from repeal all tolls rents and charges which have been made charged or imposed under the said Acts respectively and which on the day of transfer are due shall be due and payable to the Commissioners notwithstanding the transfer of their undertaking to the Corporation and the same may be collected recovered and enforced by the Commissioners and be paid and transferred to the Corporation accordingly.

Winding up and dissolution of Commissioners.

18. So soon as conveniently may be after the day of transfer the affairs of the Commissioners shall be wound up and when and so soon as their affairs have been wound up the Commissioners shall be by virtue of this Act dissolved. The production of a certificate under the seal of the Ministry of Home Affairs as to the dissolution of the Commissioners (which certificate the said Ministry is hereby empowered to give) shall be conclusive evidence in all courts of Law of the facts stated therein as to such dissolution.

Compensation to officers.

19.—(1) If the secretary engineer or solicitor to the Commissioners who shall be in office at the passing of this Act shall by virtue of this Act suffer any direct pecuniary loss by diminution or loss of fees or salary or shall be deprived of office he shall be entitled to have compensation paid to him by the Corporation for that pecuniary loss and in determining the said compensation regard shall be had to the conditions and other circumstances required by subsection (1) of Section 120 of the Local Government Act 1888 to be had in regard in cases of compensation under that section. And the compensation shall not exceed the limit therein mentioned and shall be paid out of the improvement fund and improvement rate and the provisions of subsections (2) to (7) of Section 120 of the said Local Government Act 1888 shall apply with the

Digitized by Google

A.D. 1924.

necessary modifications and with the substitution of the Corporation for the county council and the Ministry of Home Affairs for the Treasury

Provided that—

(*a*) The non-acceptance of any office offered to him by the Corporation shall not be a bar to the right of any of the said officers to compensation; and

(*b*) In the application of subsection (1) of Section 120 of the Local Government Act 1888 "the Acts and rules relating to Her Majesty's Civil Service" shall mean the Acts and rules relating to Her Majesty's Civil Service which were in operation at the date of the passing of the last-mentioned Act.

(2) The said officers shall not be entitled to claim or receive both compensation for any direct pecuniary loss by abolition of office or diminution or loss of fees or salary and a superannuation or retiring allowance in respect of the same period of service and the same pecuniary loss.

Maintenance working and regulation of bridge and ferries undertaking

20. Subject to the provisions of this Act the Corporation may maintain work and regulate the bridge and ferries undertaking of the Commissioners and may in connection therewith construct build purchase erect fix alter and maintain buildings turnstiles landing-places landing-stages pontoons slips row motor steam electric and other boats engines machinery plant oars gear equipment buoys moorings and mooring chains and other appliances and conveniences and do all such things as may be necessary or expedient for the effectual working and maintenance of the bridge and ferries and may on receipt of the tolls or charges by this Act authorised convey passengers goods parcels animals and merchandise across the River Foyle within the City.

Provided that the Corporation shall not under the powers of this section construct build purchase erect or fix any building work appliance or convenience of any character on or under or otherwise interfere with the banks shores bed or soil of the River Foyle except with the previous consent in writing under seal of the Irish Society. Provided that such consent shall not be unreasonably withheld and that any dispute as to whether such consent is unreasonably withheld shall be determined by the Ministry of Commerce.

Digitized by Google

A.D. 1924.

Special powers as to the bridge.

21. The Corporation shall have and may exercise all the rights powers and privileges in regard to the upper roadway of the bridge as they have and may exercise in regard to bridges and public roads vested in them in pursuance of any Acts relating to the City (save and except any power for the levying of tolls) and shall be subject in regard to the upper roadway thereof to the same obligations as they are subject to in regard to such bridges and roads as aforesaid. The Corporation may from time to time (but as regards the upper roadway only after such public notice as may be prescribed by regulations made by the Ministry of Home Affairs which regulations the said Ministry are hereby empowered to make for the purposes of this section) close the upper and lower roadways of the bridge during the construction of any works of repair renewal and maintenance for such time as may be necessary.

Provided that the Corporation (except in case of emergency and except when it becomes necessary to open the bridge for the passage of vessels or for the purpose of testing the machinery of the bridge):—

(i) shall not close both the upper and lower roadways of the bridge at the same time;

(ii) shall not close the lower roadway save between 12 o'clock noon on any Saturday and 8 o'clock in the morning of the following Monday or between such other hours on those or other days as may from time to time be agreed between the Corporation and the Northern Counties Committee;

(iii) shall give not less than seven days' previous notice in writing to the Secretary of the Northern Counties Committee of their intention to close the lower roadway;

(iv) shall affix at both ends of the lower roadway not less than twenty-four hours before the hour at which the Corporation intends to close the said roadway a legible notice of their said intention.

Establishment of ferries.

22. In addition to the ferries comprised in the bridge and ferries undertaking of the Commissioners transferred to and vested in the Corporation under this Act the Corporation may if they think fit at any time after the

Digitized by Google

A.D. 1924.

passing of this Act establish a new ferry or new ferries across the River Foyle within the City at such point or points as they may deem expedient and for that purpose may purchase by agreement any lease of or licence to use land on the banks of the River Foyle within the City and may abolish or discontinue any ferries established under the provisions of this section.

Power to discontinue, lease &c. ferries undertaking or ferry rights.

23. Subject to the provisions of this Act the Corporation may—

(1) discontinue either wholly temporarily or in part the working and carrying on of the ferries undertaking. Provided that the Corporation shall not be entitled materially to decrease or to permit any persons to whom they may lease the ferries undertaking or let the right to establish and work any service of ferry boats materially to decrease the services (as existing on the first day of May one thousand nine hundred and twenty-four) provided for the working of the Waterside to Guildhall Ferry and the Waterside to the Great Northern Railway Station Ferry or either of them until they shall have obtained the consent of the Ministry of Home Affairs to such decrease which consent the said Ministry are hereby empowered to give or withhold with or without imposing any condition or conditions after holding a public enquiry in the City as to the application by the Corporation for such consent. Twentyone days' previous notice of the holding of such enquiry shall be published by the Corporation in the Belfast Gazette and in some Newspaper published or circulating in the City and the Northern Counties Committee shall be entitled to lodge objections to the giving of such consent and to be heard thereon at such enquiry; and

(2) lease the ferries undertaking or any part thereof and let the right to establish and work such a service of ferryboats as is by this Act authorised to be maintained continued or established by the the Corporation to such persons upon such terms and for such consideration as the Corporation may think fit.

Digitized by Google

A.D. 1924.

Any rent or other consideration reserved upon any lease so granted shall be applied by the Corporation in manner provided by the section of this Act of which the marginal note is "Revenue and deficiency account in respect of ferries undertaking":

Provided that any fine or premium received in respect of such lease shall be applied by the Corporation in or towards repayment of the money borrowed by the Corporation under the powers of this Act for the purpose of the ferries undertaking and such application shall be in addition to and not in substitution for any other mode of extinguishment by this Act provided. Any surplus remaining after such repayments shall be applied to such purposes being purposes to which capital moneys are properly applicable as the Corporation may think fit.

Sale of buildings and plant.

24. The Corporation may sell any land buildings turnstiles landing-stages pontoons boats engines machinery plant gear equipment buoys chains and other appliances belonging to them in connection with the bridge and ferries undertaking at such times in such manner and upon such terms as they may think fit and any money arising from such sale shall be applied by them in or towards repayment of the money borrowed by them under the powers of this Act for the purpose of the bridge undertaking or the ferries undertaking as the case may be and such application shall be in addition to and not in substitution for any other mode of extinguishment by this Act provided Any surplus remaining after such repayment shall be applied to such purposes being purposes to which capital moneys are properly applicable as the Corporation may think fit.

Power to take tolls for lower roadway of bridge.

25. From and after the transfer the Corporation may demand receive and recover in respect of the use of the lower roadway of the bridge any tolls not exceeding the sums mentioned in the First Part of the Second Schedule to this Act.

Power to take tolls for ferries.

26. From and after the transfer the Corporation may demand receive and recover for the use of the ferries vested in them in pursuance of this Act or of any ferry established by the Corporation under this Act any tolls not exceeding the sums mentioned in the Second Part of the Second Schedule to this Act.

Digitized by Google

A.D. 1924.

Revision of Tolls.

27.—(1) In this section the expression "revisory authority" means in relation to the tolls mentioned in the First Part of the Second Schedule to this Act the Ministry of Commerce and in relation to the tolls mentioned in the Second Part of the said Schedule the Ministry of Home Affairs.

(2) If at any time it is represented in writing to the revisory authority by the Corporation or the Northern Counties Committee that in the circumstances then existing all or any of the tolls mentioned in the First or Second Parts (as the case may be) of the Second Schedule to this Act should be revised the revisory authority may if it thinks fit after enquiry in pursuance of any such representation make an Order revising all or any of such tolls as aforesaid and may fix the date as from which such Order shall take effect and thenceforth such Order shall be observed until the same expires or is revoked or modified by a further Order of the revisory authority made in pursuance of this section.

(3) No application may be made under this section for a revision of the tolls for the time being authorised under this Act within two years after the date of an Order made by the revisory authority for a revision thereof.

(4) The provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply for the purposes of this section as if the Ministry of Commerce or the Ministry of Home Affairs (as the case may be) were referred to therein in lieu of the Board of Trade and as if in Section 4 of that Act the words "under the seal of the Ministry of Commerce" or "under the seal of the Ministry of Home Affairs" were substituted as the case may be for the words "by writing under the hand of the president or of one of the secretaries of the Board."

Tolls to be charged equally.

28. Subject to the provisions of this Act the bridge and ferry tolls shall be at all times charged equally to all persons for or in respect of persons and things under the same circumstances and no reduction exemption or advance in the said tolls shall be made either directly or indirectly partially or in favour of or against any particular body or person.

Taking and recovery of tolls.

29. The bridge and ferry tolls shall be paid to such persons at such places and in such manner and under such regulations as the Corporation shall from time to time determine.

Digitized by Google

List of tolls to be printed and exhibited.

30. Lists of all the bridge tolls and of the ferry tolls from time to time appointed by the Corporation to be taken shall be published by the same being printed and exhibited in some conspicuous place on the Bridge and on the ferry boats and ferry landing stages respectively such places to be from time to time determined by the Corporation.

Tolls to be taken only while lists exhibited; and penalty for defacement &c.

31. No bridge or ferry tolls shall be demanded or taken by the Corporation during any time at which the lists of bridge or ferry tolls (as the case may be) hereinbefore directed to be exhibited shall not be so exhibited and if any person wilfully pull down deface or destroy any such list of tolls he shall forfeit a sum not exceeding five pounds for every such offence.

Bridge and ferries to be free on payment of tolls.

32. Upon payment of the bridge and ferry tolls (as the case may be) all persons shall be entitled to use the lower roadway of the bridge and the ferries respectively subject to the bye-laws and regulations in that behalf from time to time made by the Corporation or in force under this Act.

Penalty on non-payment of bridge or ferry tolls.

33. If any person knowingly and wilfully fails to pay the bridge or ferry toll (as the case may be) due from him every person so offending shall for every such offence be liable to a penalty not exceeding twenty shillings.

Power to charge for accommodation in connection with bridge and ferries.

34. In connection with the bridge and ferries undertaking the Corporation may make such reasonable charges as they think fit for the use of sheds and other buildings works and conveniences provided by them for the storage and accommodation of goods merchandise bicycles and other things and for the use of the ferry landing-places and slips by persons landing thereat from boats other than the ferry boats of the Corporation and the amount of such charges shall be recoverable in like manner as bridge and ferry tolls.

Power to enter into composition for payment of tolls.

35. The Corporation may enter into a composition with any person with respect to the payment of any bridge or ferry tolls authorised by this Act but so that no preference be in any case given to any person.

Disputes as to tolls.

36. If any dispute arise concerning the amount of the bridge tolls or the ferry tolls due to the Corporation the same shall be ascertained by a court of summary jurisdiction.

Digitized by Google

A.D. 1924.

Appointment of officers &c.

37. The Corporation may appoint employ remunerate and dismiss such officers servants toll collectors and other persons as in their opinion may be required for any of the purposes of the bridge and ferries undertaking.

Bye-laws as to bridge and ferries.

38. It shall be lawful for the Corporation to make alter repeal vary amend and enforce bye-laws with respect to the bridge and ferries und rtaking for all or any of the purposes following (that is to say):—

(*a*) For regulating controlling and limiting the use of the vessels boats landing stages and buildings used for the purposes of the ferries undertaking:

(*b*) For preventing the commission of nuisances in or upon the Bridge and the approaches thereto or in or upon the ferries works or the vessels boats or landing stages used for the purposes of the ferries undertaking:

(*c*) For preserving the vessels boats landing stages engines machinery plant buildings and conveniences and preventing injuries and damage to the same:

(*d*) For regulating the conduct of all persons who use and the duties of the officers and servants of the Corporation who shall be employed in and about the bridge and ferries undertaking and in or about the vessels boats or landing stages used for the purposes thereof:

(*e*) For regulating the conveyance of passengers animals goods and merchandise across the upper and lower roadways of the bridge and in or upon any ferry vessels or ferry boats and the embarkation and disembarkation of the same respectively and for prohibiting the conveyance or embarkation or any goods across the upper or lower roadways of the bridge or in any ferry vessels or ferry boats used for the purposes of the ferries undertaking which may in the opinion of the Corporation be injurious to or prejudically affect the use of such bridge vessels and boats or the traffic to be carried thereon:

(*f*) For regulating and controlling or preventing if thought fit the fastening or mooring of vessels or boats of every description to or within speci-

Digitized by Google

fied distances of the Bridge or any of the piers or works thereof or to any of the landing-places moorings or works of the Corporation and the embarkation and disembarkation of persons at such landing-places from vessels or boats other than the ferry boats of the Corporation :

(*g*) For preventing persons navigating vessels or boats from negligently or wilfully obstructing the working of the ferries undertaking and the vessels or boats used for the purposes thereof and for preventing persons with boats horses carriages or otherwise negligently or wilfully obstructing the approaches to the ferries and ferry buildings or doing anything to hinder or interfere with the proper working of the same.

(*h*) Generally for regulating and controlling the use of the Bridge and the ferries.

Provided that the Corporation shall not make any bye-law which shall in any way conflict or be inconsistent with any enactment for the time being relating to the Harbour Commissioners or any bye-law lawfully made by those Commissioners and for the time being in force and that nothing in this section or in any bye-law made by the Corporation thereunder shall in any way prejudice or affect the rights powers or jurisdiction of the Harbourmaster of the Port and Harbour of Londonderry.

Bye-laws to remain in force.

39. Notwithstanding the repeal or partial repeal by this Act of the Bridge Acts of 1859 1877 and 1922 all bye-laws rules and regulations made by the Commissioners under those Acts or either of them with respect to the bridge and ferries undertaking of the Commissioners and in force at the day of transfer shall remain in force and be enforced by the Corporation until the same shall be superseded by bye-laws rules and regulations which shall be made by the Corporation under the powers of this part of this Act before the expiration of one year after the passing of this Act and all offenders against the said bye-laws rules and regulations shall be liable to the like pains and penalties as if this Act had not been passed.

Restriction on goods to be landed at landing stages.

40. Notwithstanding anything in this Act the Corporation shall not knowingly permit the landing of merchandise or goods liable to customs duty at any landing places

Digitized by Google

A.D. 1924.

landing stages pontoons or slips of the Corporation used in connection with the Ferries undertaking.

Purchase and holding of land.

41. The Corporation may by agreement purchase take on lease acquire and hold for any of the purposes of this Part of this Act any lands not exceeding in the whole two acres. Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any lands acquired in pursuance of this section.

PART III.

BRIDGE WORKS.

Power to Corporation to execute bridge works.

42. The Corporation may subject to the provisions of this Act and in the lines or situations and within the limits of deviation shown upon the deposited plans and according to the levels shown upon the deposited sections execute make and maintain wholly in the City together with all necessary works and conveniences connected therewith the work hereinafter described (that is to say)—

A widening raising and reconstruction of the existing Bridge and the approaches thereto commencing at the point of commencement of the existing Bridge on the western side of the River Foyle in Carlisle Square and terminating at the point of termination of the existing bridge on the eastern side of the said River at or near the junction of Duke Street Victoria Road and Spencer Road.

Provided that in order to permit of the free passage of vessels the said work shall be constructed with one opening span with a clear opening not less in width than that of either of the side openings of the opening span of the existing Bridge and (in the event of the opening span being provided by means of the upper and lower roadways of the Bridge or either of them being raised vertically) with such a height above high water mark of ordinary spring tides as may in the opinion of the Ministry of Commerce and the Board of Trade be at the date of the execution of the Bridge Improvement reasonably necessary.

Streets &c. may be raised or lowered.

43. Subject to the provisions of this Act the Corporation may for the purposes of and in connection with the powers granted to them by this Part of this Act alter the

Digitized by Google

line or level of any of the streets roads and places described on the deposited plans or sections as intended to be raised or lowered in the manner shown on such plans or sections.

Subsidiary works affecting River Foyle.

44. Subject to the provisions of this Act the Corporation may make on or in the banks bed soil and foreshore of the River Foyle and elsewhere in connection with the Bridge Improvement and at or near any works or erections to be made or put up by the Corporation for or connected with the construction of the Bridge Improvement and may place and keep in the said river all such temporary and permanent piles fenders booms dolphins pontoons caissons stagings cofferdams embankments piers abutments wharves walls fences drains stairs subways buildings and all such other works and conveniences as they may deem proper or find necessary or expedient and may close temporarily any span or spans of the Bridge but for such period or periods only in each case as shall be requisite for the execution of the works by this Part of this Act authorised.

Limits of vertical and lateral deviation for bridge works.

45. Subject to the provisions of this Act the Corporation may in executing any of the works for or connected with the Bridge Improvement deviate to an extent not exceeding three feet downwards and five feet upwards from the levels defined on the deposited sections and may deviate laterally from the line of any of such works to any extent within the limits of deviation defined on the deposited plans. Provided that no deviations either lateral or vertical below high watermark shall be made without the consent of the Ministry of Commerce and of the Board of Trade.

Limits of lateral deviation for Bridge works.

46. In the construction of the Bridge Improvement the Corporation shall not without the consent in writing of the Ministry of Commerce deviate from the lines thereof as marked on the deposited plans to any extent even within the limits of deviation shown on such plans in such manner as to diminish the navigable space or otherwise than in such manner as is expressly authorised by the Ministry of Commerce and by the Board of Trade.

Power to alter and pull down buildings and to stop up streets.

47. Subject to the provisions of this Act and within the limits of deviation defined on the deposited plans the Corporation may for the purposes of and in connection with the powers granted to them by this Part of this Act

Digitized by Google

A.D. 1924.

alter and pull down any houses buildings and erections and may stop up and appropriate the site and soil of any streets ways roads courts passages or alleys shown upon the said plans making all reasonable compensation to any person who suffers damage by any such alteration.

Power to make subsidiary works.

48. In addition to any other powers contained in this Part of this Act the Corporation may subject to the provisions of this Act and within the limits of deviation defined on the deposited plans cross stop up interfere with alter or divert either temporarily or permanently and may make junctions with all roads streets courts stairs passages highways bridges and footpaths ways and rights of way rivers navigations streams and watercourses which it may be necessary to cross stop up interfere with alter or divert for the purposes of the Bridge Improvement or for other purposes of this Part of this Act. In the exercise of the powers conferred by this section the Corporation shall cause as little detriment and inconvenience as circumstances admit to any company or person and shall make reasonable compensation for any damage caused to any company or person by the exercise of the powers aforesaid.

Power to temporarily stop up or interfere with roads &c. for the purposes of the bridge improvement.

49. The Corporation for the purposes of the powers granted to them by this Part of this Act and during the making of the Bridge Improvement may in or upon the lands shown in connection therewith upon the deposited plans stop up interfere with alter or divert temporarily all or any part of any road street bridge (including the Bridge) stairs way stream or watercourse which they shall think necessary for such purposes to be stopped up and may put or cause to be put up sufficient palisades hoardings bars posts and other erections and may construct temporary works for keeping any such road street bridge stairs or way open for traffic and may make such orders for regulating the traffic as to them shall seem proper Provided that the Corporation shall afford reasonable access to all persons *bona fide* going to or returning from any house in any such road or street.

Alteration of position of gas and other pipes.

50. The Corporation may for any purpose in connection with the Bridge Improvement within the limits of deviation defined on the deposited plans raise sink or otherwise alter the position of any gaspipe belonging to

Digitized by Google

A.D. 1924.

or connected with any house or building and also any main pipe or apparatus laid down or used by any company body or person for carrying a supply of gas and also any pipe tube wire or apparatus laid down or placed for telegraphic telephonic or other purposes (all of which mains pipes tubes wires and apparatus are in this section included in the expression " apparatus ") and may remove any other obstruction making proper substituted works during any alteration and causing as little detriment and inconvenience as circumstances admit to any company body or person and making reasonable compensation to any company body or person for any damage caused by any such alteration Provided always that before the Corporation alter the position of any apparatus laid down or used by any such company body or person they shall (except in case of emergency) give to the company body or person to whom the same belongs notice of their intention to do so specifying the time at which they will begin to do so such notice to be given seven days at least before the commencement of the work for effecting such alteration and such work shall be done under the superintendence (at the expense of the Corporation) of the company body or person to whom such apparatus belongs unless such company body or person refuses or neglects to give such superintendence at the time specified in the notice for the commencement of such work or discontinues the same during the execution of such work and the Corporation shall execute such work to the reasonable satisfaction of the engineer of such company body or person but if within seven days of the receipt of such notice any such company body or person shall give notice to the Corporation of their desire themselves to execute such work they shall forthwith proceed to do so and the cost reasonably incurred by them in so doing shall be repaid to them by the Corporation Provided also that the Corporation shall not cause any street or road to be lowered or raised nor the position of any apparatus to be altered so as to leave over such apparatus in any part a covering of less than two feet where the covering now existing is not less than two feet unless the Corporation shall in such case protect such apparatus from frost or injury by artificial covering to the satisfaction of the engineer of such company body or person or more than six feet where the covering now existing does not exceed six feet or more than such existing covering where the same exceeds six

Digitized by Google

A.D. 1924.

feet unless the Corporation in such case provide special means of access to such apparatus to the satisfaction of the engineer of such company body or person:

Notwithstanding the stopping up temporarily of any street or road in which any apparatus of any such company body or person shall be laid the said company body or person their engineers workmen and others in their employ shall at all times have full free and uninterrupted rights of access to all or any of such apparatus and shall be at liberty to do all such works in and upon any such street or road as aforesaid as may be necessary for inspecting repairing maintaining removing replacing or extending such apparatus.

If any difference arise between the Corporation or their engineer and any such company body or person or their or his engineer touching the amount of any compensation costs expenses or charges under the provisions of this Act to be paid by the Corporation to any such company body or person or touching any work matter or thing with reference to such apparatus under such provisions to be done or executed by the Corporation or the mode of doing or executing the same such difference shall unless otherwise agreed be settled by an engineer to be agreed upon by the engineer of the Corporation and any such company body or person respectively or failing agreement by such engineer as shall on the application of the engineer either of the Corporation or of any such company body or person be named by the President of the Institution of Civil Engineers.

Provided that the Corporation shall not raise sink or otherwise alter the position of any telegraphic line (as defined by the Telegraph Act, 1878) belonging to or used by the Postmaster-General except under and subject to the provisions of that Act.

Corporation empowered or may be required to underpin or otherwise strengthen houses near works.

51. And whereas in order to avoid in the execution and maintenance of the Bridge Improvement injury to the houses and buildings within one hundred feet of the said Improvement it may be necessary to underpin or otherwise strengthen the same therefore the Corporation at their own costs and charges may and if required by the owners or lessees of any such house or building shall

Digitized by Google

subject as hereinafter provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say) :—

(1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be under-pinned or otherwise strengthened :

(2) Each such notice if given by the Corporation shall be served in manner prescribed by Section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the Town Clerk :

(3) If any owner lessee or occupier of any such house or building or the Corporation as the case may require shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to the arbitration of an engineer to be agreed upon or in case of difference appointed at the instance of either party by the Ministry of Home Affairs and the Common Law Procedure Amendment Act (Ireland) 1856 shall apply to the reference:

(4) The arbitrator shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Corporation may and shall proceed forthwith so to underpin or strengthen the said house or building :

(5) The Corporation shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment :

Digitized by Google

A. D. 1924.

(6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Corporation such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Corporation then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Corporation shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof:

(7) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Corporation from the liability to compensate under Section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act:

(8) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts as amended by the Acquisition of Land (Assessment of Compensation) Act 1919.

(9) Nothing in this section shall repeal or affect the application of Section 92 of the Lands Clauses Consolidation Act 1845.

No mains or pipes to be laid on bridge except with consent of Corporation.

52. Notwithstanding anything in any Act to the contrary it shall not except as by this Act expressly provided be lawful for any person to enter upon break up or interfere with the Bridge or the carriageways and footways over the same respectively for the purpose of laying down any main or pipe or executing any work therein thereon or thereunder except with the consent of the Corporation in writing and in accordance with such terms and conditions either as to the payment of any rent or other valuable consideration or otherwise as the Corporation may reasonably determine provided that nothing in this section contained shall alter prejudice or affect any

Digitized by Google

A.D. 1924

of the rights powers and authorities of the Postmaster General under the provisions of the Telegraph Acts 1863 to 1922.

Corporation empowered to lay out carriageways and footways.

53. Subject to the provisions of this Act the Corporation may cause such parts of the Bridge Improvement to be laid out for carriageway and such parts thereof for footway as they may think proper and may upon the lands acquired by or vested in them respectively under the powers of this Act and within the limits of deviation defined on the deposited plans construct erect and provide such vaults cellars arches sewers drains subways and other works and conveniences as they may think proper for the purposes of the Bridge Improvement and in laying out or forming such carriageway and footway and works the Corporation may in addition to the powers by this Act conferred exercise the same powers and authorities as are vested in and shall be subject to the same liabilities only in respect thereof as are imposed upon any urban authority when they stop up temporarily any road thoroughfare or any part thereof in the repairing or repaving of any street.

Restriction on use of lower roadway of the bridge.

54.—(1) As from the day of transfer and until the Corporation shall under the powers of this Act have widened or reconstructed the existing bridge the lower roadway of the bridge shall not be used for the passage of any persons (other than members of the Corporation and the Harbour Commissioners and their respective employees and persons authorised by the Corporation and the Harbour Commissioners respectively) or for the passage of any animals or vehicles or other traffic other than traffic hauled by the Harbour Commissioners and the Corporation shall from time to time take all such steps as may be necessary for preventing any infringement of the provisions of this subsection.

(2) As from the day of transfer the Corporation shall from time to time repair and renew the rails laid on the lower roadway of the bridge either in their existing position or in such other position on the said lower roadway as the Harbour Commissioners may reasonably require or approve.

(3) If at any time after the Corporation shall have widened or reconstructed the bridge the lower roadway

Digitized by Google

A.D. 1924.

thereof is made available for traffic other than the traffic hauled by the Harbour Commissioners the portion of the said lower roadway for the time being forming the site of the said rails shall be appropriated exclusively for the use of traffic so hauled and the Corporation shall to the reasonable satisfaction of the Harbour Commissioners provide and at all times maintain on the said lower roadway such fences or other works as shall be necessary for securing the safe and uninterrupted haulage of traffic over the said rails.

(4) The provisions of this section shall cease to have effect as from the date on which the Harbour Commissioners discontinue the haulage of traffic on the lower roadway of the bridge.

(5) If any difference shall arise between the Harbour Commissioners and the Corporation under the provisions of sub-sections (1) (2) and (3) of this section such difference shall be referred to and determined by a single arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the Ministry of Commerce.

River Foyle not to be interfered with.

55. Nothing in the sections of this Act of which the respective marginal notes are:—

Power to make subsidiary works;

Power to temporarily stop up or interfere with roads for the purposes of the bridge improvement;

Corporation empowered or may be required to underpin or otherwise strengthen the houses near works;

Corporation empowered to lay out carriageways and footways;

shall authorise the Corporation to and the Corporation shall not under the powers of those sections construct erect or place any building work apparatus or convenience of any character on or under the banks shores bed or soil of or stop up either temporarily or permanently or otherwise interfere with the River Foyle except with the previous consent in writing under the seal of the Irish Society Provided that such consent shall not

Digitized by Google

A.D. 1924.

be unreasonably withheld and that any dispute as to whether such consent is unreasonably withheld shall be determined by the Ministry ot Commerce.

Sewers or drains to be removed arched over or filled up.

56. The Corporation may cause to be removed arched over or filled up all such sewers or drains or parts thereof which shall be in or near the streets or roads to be interfered with for the purposes of the Bridge Improvement as shall appear necessary for executing the said Improvement so as that no sewer or drain (unless the same shall have become unnecessary) shall be in any wise disturbed injured or prejudiced without another sewer or drain being made in lieu thereof equally serviceable and convenient Provided always that before removing or filling up any sewer or drain or part thereof as aforesaid the Corporation shall where necessary cause to be made and built other good and sufficient sewers and drains in substitution for the sewers or drains which shall be filled up and when made and completed the said sewers and drains shall be under the same jurisdiction care management and direction as the existing sewers or drains for which they are substituted.

Power to sell materials.

57. The Corporation may sell or dispose of any materials of any houses buildings or structures acquired by them respectively under the powers of this Act and not required for the Bridge Improvement and also all materials in under or upon any road street or other place altered by them for the purposes of this Part of this Act and any materials obtained in the alteration of or interference with any drain or sewer which are vested in the Corporation under the powers of this Part of this Act and the materials (if any) obtained in the course of the Bridge improvement.

Power to Corporation to make agreements.

58. Subject to the provisions of this Act the Corporation the Harbour Commissioners the Northern Counties Committee and the owners of property or other persons interested in lands houses or property abutting on any portion of the Bridge Improvement may enter into and carry into effect agreements with respect to the construction maintenance and use of the Bridge Improvement and the sale or purchase by the Corporation of any lands or property for such consideration being a sum of money in gross or a grant of land or partly money and

Digitized by Google

A.D. 1924.

partly land as may be agreed upon between the Corporation and the Harbour Commissioners the Northern Counties Committee and such owners or other persons.

Period for completion of bridge improvement.

59. If the Bridge Improvement be not completed within seven years from the passing of this Act then on the expiration of that period the powers of the Corporation under this Part of this Act for the execution thereof shall cease except so far as the same shall have been completed.

Lights on works during construction.

60. The Corporation shall at or near the works below high water mark authorised by this Part of this Act during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Ministry of Commerce and the Board of Trade from time to time require or approve.

If the Corporation fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding Twenty Pounds.

Permanent lights on works.

61. The Corporation shall at the outer extremity of any of the works constructed under this Part of this Act below high water exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Harbour Commissioners shall from time to time direct without prejudice however to the jurisdiction of the Commissioners of Irish Lights as the general Lighthouse authority.

If the Corporation fail to comply in any respect with the provisions of the present section they shall for each day in which they so fail be liable to a penalty not exceeding Twenty Pounds.

Survey of works by Ministry of Commerce or Board of Trade.

62. If at any time the Ministry of Commerce or the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of any work constructed by the Corporation under this Part of this Act on in over through or across tidal lands or tidal water or of the intended site of any such work the

Digitized by Google

A.D. 1924.

Corporation shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Corporation to the Ministry of Commerce or to the Crown as the case may be and shall be recoverable by means of civil proceedings or as a debt due to the Crown.

Abatement of work abandoned or decayed.

63. If any work constructed by the Corporation under this Part of this Act on in over through or across tidal lands or a tidal water is abandoned or suffered to fall into decay the Ministry of Commerce or the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Corporation and the amount of such expense shall be a debt due from the Corporation to the Ministry of Commerce or to the Crown as the case may be and shall be recoverable by means of civil proceedings or as a debt due to the Crown.

Works below high-water mark to be subject to approval of Ministry of Commerce and Board of Trade.

64. Subject to the provisions of this Act any of the works authorised by this Act to be constructed on over or under tidal lands below high-water mark of ordinary spring tides shall be constructed only in accordance with such plans and sections and subject to such restrictions and regulations as previous to such works being commenced have been approved by the Ministry of Commerce and the Board of Trade in writing under the hand of the Secretary or Assistant Secretary of the Ministry of Commerce or the hand of the Secretary or Assistant Secretary of the Board of Trade as the case may be.

Any alteration or extension of any such works shall be subject to the like approval.

If any such work be commenced or completed contrary to the provisions of this section the Ministry of Commerce or the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Corporation and the amount of such cost shall be a debt due from the Corporation to the Ministry of Commerce or to the Crown as the case may be and shall be recoverable by means of civil proceedings or as a debt due to the Crown.

Lifebuoys to be kept.

65. The Corporation shall at all times if required by the Ministry of Commerce keep on each of the landing stages used in connection with the ferries and in accor-

Digitized by Google

A.D. 1924.

dance with any requirements which may be made by the Ministry of Commerce a sufficient number of lifebuoys and lines in good order and fit and ready for use.

Provision against danger to navigation.

66. In case of injury to or destruction or decay of the Bridge or works or any part thereof the Corporation shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Ministry of Commerce and the Board of Trade and shall apply to that Ministry and to that Board for directions as to the means to be taken and the Corporation shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Cables pipes or wires under or across tidal waters.

67. Notwithstanding anything contained in this Act any cables pipes or wires to be laid or placed by the Corporation under or across any tidal water shall be laid or placed at such depth under or such height over the tidal water as the Ministry of Commerce and the Board of Trade may require.

For protection of Londonderry Gaslight Company.

68. For the protection of the Londonderry Gaslight Company (in this section referred to as " the Company ") the following provisions shall unless otherwise agreed in writing between the Company and the Corporation have effect (that is to say):—

(1) The provisions of the section of this Act of which the marginal note is " No mains or pipes to be laid on bridge except with consent of Corporation " shall not apply to the Company and notwithstanding anything contained in this Part of this Act it shall be lawful for the Company in the Bridge and the approaches thereto and the carriageways or footways over the same respectively (whether as now existing or as widened raised or reconstructed under the powers of this Act) to continue their existing mains pipes and apparatus (in this section referred to as " apparatus ") and from time to time to lay down or place any additional or substituted apparatus and to inspect maintain repair renew

Digitized by Google

and use all such apparatus in the same manner in all respects and subject to the same obligations and conditions as the Company are under the Acts relating to their undertaking and the enactments incorporated therewith subject to in relation to the breaking up of streets for the purpose of laying pipes as if such bridge approaches carriageways and footways were a public street or highway under the control or management of the Corporation as the road authority of the City.

(2) Notwithstanding anything contained in the section of this Act of which the marginal note is "Alteration of position of gas and other pipes" the Corporation shall not alter or interfere with any apparatus of the Company until they shall have provided to the reasonable satisfaction of the Company such substituted apparatus as may be agreed between the Corporation and the Company or in default of agreement determined by the arbitrator in manner hereinafter provided to be reasonably necessary so as to prevent any interruption in the continuity of the supply of gas. If any difference shall arise as to any matter under this subsection the matter in difference shall be referred to and settled by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers.

For protection of Great Northern Railway Company (Ireland).

69. For the protection of the Great Northern Railway Company (Ireland) (in this section referred to as "the Company") the following provisions shall unless otherwise agreed in writing between the Company and the Corporation have effect (that is to say):—

(1) The works which the Corporation may construct under the powers of this Part of this Act shall so far as they pass over the property of the Company consist of a single span bridge with a minimum headway of eighteen feet six inches over the existing rail level of the Company's Railway as shown on the Plan marked "A" signed by James Graham Leslie the Chairman of the Joint Committee to whom the Bill for this Act was

Digitized by Google

A.D. 1924.

referred of which Plan one copy has been deposited in the Private Bill Office of the House of Commons and one copy in the Office of the Clerk of the Senate and no stanchions or other supports shall be placed upon any part of the property of the Company save where shown in red on the said plan.

(2) If by reason or in consequence of the exercise of the powers of this Part of this Act or of the execution or failure of any work executed under the said powers any obstruction or delay shall occur to or in the traffic upon or along the railway of the Company or any lines of rail connected therewith or any damage or injury shall happen to the railway or property of the Company or to any person on such railway or property the Corporation shall pay to the Company in respect of such obstruction or delay as or by way of liquidated and ascertained damages the sum of ten pounds for every hour during which such obstruction or delay shall continue and shall pay to the Company full compensation in respect of such damage or injury and shall indemnify them from and against all actions proceedings claims demands costs damages and expenses which may be taken or made against the Company or which the Company may incur or pay in consequence of such damage or injury.

(3) The Corporation shall give to the Company not less than twenty one days' notice in writing of the time at which they intend to commence the execution of any such work as is referred to in sub-section (1) of this section and all such work shall be executed to the reasonable satisfaction of the Company's Chief Engineer.

(4) If by reason of the widening raising and reconstruction of the bridge it shall in the opinion of the Company's Chief Engineer become necessary to alter or transfer to another position any of the Company's existing signals apparatus or other works at their Londonderry Station the Corporation shall pay to the Company on demand the cost incurred in so doing as certified by the Company's Chief Engineer.

Digitized by Google

A.D. 1924.

(5) If any difference shall arise between the Company and the Corporation under the provisions of this Section such difference shall be referred to and be determined by an Arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers.

PART IV.

WATER.

Power to make waterworks.

70.—(1) Subject to the provisions of this Act the Corporation may wholly in the County of Londonderry and in the lines and situation shown upon the lands delineated on the deposited plans and described in the deposited book of reference make and maintain the following work shown upon the deposited plans and sections (that is to say):—

A road wholly in the parish of Clondermot commencing in the townland of Cromkill at a point on the west side of the public road leading from Londonderry to Glebetown 7.6 chains or thereabouts measured in a straight line and in a due northerly direction from the point where the boundary between the townland of Cromkill and the townland of Clondermot crosses the said public road and terminating at a point in the townland of Cromkill 9.3 chains or thereabouts measured in a straight line and in a due northerly direction from a point on the boundary between the said townlands of Cromkill and Clondermot such last-mentioned point being 10 chains or thereabouts measured in a straight line and in a due westerly direction from the point aforesaid where the said boundary crosses the said road.

(2) In addition to the foregoing work the Corporation may upon the said lands make and maintain all such buildings machinery works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the work authorised by this Part of this Act and the existing waterworks of the Corporation or any or either of them but nothing in this section shall

Digitized by Google

A.D. 1924.

exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Limits of deviation for waterworks.

71. Subject to the provisions of this Act the Corporation may in the construction of the work authorised by this Part of this Act deviate laterally to any extent not exceeding the limits of lateral deviation shown upon the deposited plan thereof and may also deviate vertically from the levels shown on the deposited section thereof to any extent not exceeding two feet upwards and two feet downwards.

Period for completion of works.

72. If the works by this Part of this Act authorised are not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Part of this Act granted to the Corporation for the making or completing of the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed Provided that the Corporation may extend enlarge alter reconstruct renew or remove any of their works and plant.

New water works to form part of existing waterworks undertaking.

73. Subject to the provisions of this Act the Waterworks to be constructed under the authority of this Part of this Act shall for all purposes whatsoever be deemed part of the existing waterworks undertaking of the Corporation.

Extension of period limited for construction of waterworks authorised by Act of 1918.

74. The period limited by Section 15 (Period for completion of works) of the Act of 1918 for the completion of such of the works authorised by Part II (Waterworks) of that Act to be constructed by the Corporation as have not been completed at the passing of this Act is hereby extended until the thirtieth day of July One thousand nine hundred and thirty-three or in the case of Work No. 1 and work No. 2 by that part of that Act authorised until the expiration of such further period (if any) after the said date as the Ministry of Home Affairs shall from time to time by Order prescribe.

Penalty for closing valves and apparatus.

75. Every person who shall wilfully (without the consent of the Corporation) or negligently close or shut off any valve cock or other work or apparatus belonging to the Corporation whereby the supply of water shall be

Digitized by Google

interfered with shall (without prejudice to any other right or remedy of the Corporation) be liable on conviction to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained Provided that this section shall not apply to a consumer closing a valve fixed on his communication pipe.

PART V.

STREET IMPROVEMENT.

Power to make street improvement and works.

76. Subject to the provisions of this Act the Corporation may in the lines and according to the levels shown upon the deposited plans and sections and described in the deposited book of reference make and maintain the street improvement and works within the city hereinafter described together with all proper works and conveniences connected therewith (that is to say):—

A widening and improvement of Foyle Street commencing on the north-eastern side thereof at a point measuring 306 feet or thereabouts in a straight line in a south-easterly direction from the centre of the base of the tower of the Guildhall and continuing in a south-easterly direction along the present north-eastern frontage line of Foyle Street for a distance of 72 feet or thereabouts, proceeding thence in a north-easterly direction for a distance of 34 feet or thereabouts thence in a north-westerly direction for a distance of 72 feet or thereabouts and thence in a south-westerly direction for a distance of 35 feet or thereabouts and terminating at the first mentioned point on the north-eastern side of Foyle Street.

Application of provisions of Act of 1918.

77. The provisions contained in the sections of the Act of 1918 the numbers and marginal notes of which are set forth in this section shall so far as applicable and with the necessary modifications extend and apply to and for the purposes of or in relation to the street improvement by this Part of this Act authorised as if those enactments were in this Act re-enacted with reference thereto.

The sections hereinbefore referred to are:—

Section 31 (Power to make subsidiary works).

Digitized by Google

A.D. 1924.

Section 32 (Land laid into streets to be public highways).

Section 33 (Limits of deviation for street works).

PART VI.

LANDS.

Power to take lands for works.

78. Subject to the provisions of this Act the Corporation may enter upon take and use all or any part of the lands delineated on the deposited plans and described in the deposited Book of Reference which they may require for the purposes of the works by this Act authorised or (in the case of the widening or improving of any street) for the providing of space for the erection of buildings adjoining or near to any such street.

Power to take other lands.

79. Subject to the provisions of this Act the Corporation may enter upon take and use for the purposes hereinafter respectively specified the lands in the City hereinafter referred to or any part or parts thereof so far as those lands are shown on the deposited plans and described in the deposited book of reference and included within the limits of land to be acquired shown upon those plans (that is to say)—

(*a*) For the purposes of the extension of the City Cemetery the lands described in the First Part of the Third Schedule hereto ;

(*b*) for the purposes of erecting thereon a substation for the transforming of electricity and for other the purposes of the electricity undertaking (not being the erection of a generating station) the lands described in the Second Part of the Third Schedule hereto ;

(*c*) for the purposes of the general improvement of the City the lands described in the Third Part of the Third Schedule hereto.

Powers with reference to certain lands to be acquired.

80. The Corporation may utilise the lands described in the Third Part of the Third Schedule to this Act or any part of those lands for the erection of municipal offices or other municipal buildings or for markets or other municipal purposes and for the laying out of streets and roads and may hold and retain the said lands or any part there-

Digitized by Google

of for those purposes and may sell let exchange or otherwise dispose of any parts of the said lands not required for the said purposes.

Period for compulsory purchase of land.

81. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Acquisition of easements.

82.—(1) Notwithstanding anything contained in this Act the Corporation in lieu of acquiring for any of the purposes of the Bridge Improvement the lands whereof the whole or any part is described in the Fourth Schedule to this Act or any part of any such lands may acquire compulsorily easements or rights in or of using such lands or any part thereof for the purpose of erecting and maintaining over such lands or any of them or any part thereof in connection with or for the purposes of the Bridge Improvement girders cantilevers and other overhead works and apparatus forming part of the Bridge as widened raised and reconstructed under the powers of this Act and overhanging (but not otherwise physically interfering with) any such lands as aforesaid (including easements or rights of renewing maintaining repairing inspecting and working and access to such girders cantilevers and other overhead works and apparatus as aforesaid) and may give notice to treat in respect of such easements or rights describing the nature thereof and the rights which the Corporation require for or incidental to the said purposes and the restrictions subject to which the owners and occupiers may use the said lands without being required or becoming liable to acquire any other property or interest in such lands and the provisions of the Lands Clauses Acts as amended by the Acquisition of Land (Assessment of Compensation) Act 1919 shall apply to and in respect of the acquisition of such easements or rights as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Corporation have acquired easements or rights only under the provisions of this section the Corporation shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners and occupiers for the time being shall at all times after the completion of the Bridge Improvement and subject to such ease-

Digitized by Google

A.D. 1924.

ments or rights or any other restrictions imposed upon the owners and occupiers have the same rights of using such lands as if this Act had not passed.

Power to retain sell &c. lands.

83. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale or exchange either in consideration of the execution of works or (in the case of lands acquired for the purposes of the water undertaking) of a supply of water or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or hereditaments acquired by them under the provisions of this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange. Provided that the Corporation shall apply all moneys from time to time received by them in respect of any sales or dispositions of lands or hereditaments or by way of fine or premium on any lease under this section in manner prescribed by Section 264 (Application of moneys from sale &c. of land) of the Act of 1918.

Power to Corporation to enter upon property for survey and valuation.

84. The Corporation and their surveyors officers and workmen and any person duly authorised in writing under the hand of the Town Clerk may at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards twelve hours' previous notice enter upon and into the lands and buildings by this Act authorised to be taken or used or any of them for the purpose of surveying and valuing the said lands and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and buildings.

Incorporation of provisions of Act of 1918.

85. The provisions contained in the sections of the Act of 1918 the numbers and marginal notes of which are set forth in this section shall so far as applicable and with

Digitized by Google

A.D. 1924.

the necessary modifications extend and apply to and for the purposes of this Act or in relation to the lands by this Act authorised to be acquired as if those enactments were in this Act re-enacted with reference thereto.

The sections hereinbefore referred to are :—

Section 38 (Correction of errors in deposited plans and books of reference).

Section 40 (Persons under disability may grant easements etc.).

Section 42 (Provisions as to compensation).

Section 43 (Application of purchase money in certain cases).

Section 46 (Owners may be required to sell parts only of certain lands and buildings).

Section 47 (As to private rights of way over lands taken compulsorily).

Provided that—

(*a*) In the application of section 42 of the Act of 1918 the seventeenth day of November One thousand nine hundred and twenty-three shall be deemed to be referred to instead of the eighteenth day of November One thousand nine hundred and seventeen.

(*b*) In the application of section 46 of the Act of 1918 the premises numbered on the deposited plans 14 and 15 in the parish of Templemore in the City and the premises numbered on the deposited plans 29 and 31 in the parish of Clondermot in the City shall be deemed to be referred to instead of the premises described in the Second Schedule to that Act.

For protection of London Midland and Scottish Railway Company.

86. Nothing in this Act shall empower the Corporation to enter upon take use or interfere with any lands of the London Midland and Scottish Railway Company without the consent of that Company Provided that such consent shall not be unreasonably withheld in the case of the Corporation requiring the temporary occupation of any of the lands of the said Company delineated on the deposited plans and described in the deposited Book of Reference for the purposes of the execution of the Bridge Improvement and that any dispute as to

Digitized by Google

A.D. 1924.

whether the consent is unreasonably withheld or not shall be determined by the Ministry of Commerce.

PART VII.

OMNIBUSES.

Substituted provision for s. 122 (Estimate of working expenses and adjustment of fares) of the Act of 1918 in case of omnibuses.

87.—(1) In this section the expression "the produce of a twopenny rate" means the sum which would be produced by a rate of two pence in the pound levied upon the property in the City assessable for the time being to the Improvement Fund.

(2) The Corporation shall once in each financial year after the financial year ending on the thirty-first day of March 1924 cause the city accountant to lay before them a statement and balance sheet of the accounts of the omnibus undertaking including t e reserve or suspense accounts for the preceding year and an estimate of the revenue to be derived for the ensuing year from the working and use of the said undertaking and also an estimate of the sums required to meet for such year the expenses of working management maintenance of rolling-stock repairs renewals wages taxes and other outgoings and charges (including a reasonable allowance for depreciation and interest on borrowed money and the sums required to be paid annually to the sinking fund) and the Corporation shall thereupon fix annually the fares rates and charges to be levied by them for the use of the omnibus service or services for the said year then ensuing not exceeding the fares rates and charges authorised by the Act of 1918 so that so far as can be reasonably foreseen the revenue shall meet the expenditure as before specified for each year.

(3) If in any year the revenue derived from the omnibus undertaking exceeds the expenditure in connection therewith (calculated in accordance with the provisions of subsection (2) of this section) the Corporation shall carry such excess to a reserve account to be used in providing for deficiencies and contingencies.

(4) If in any year the expenditure in connection with the omnibus undertaking (calculated in accordance with the provisions of subsection (2) of this section) exceeds the revenue therefrom the deficiency shall be provided for primarily out of the reserve account established under the

Digitized by Google

provisions of subsection (3) of this section but subject thereto and to the extent that any such reserve fund may be insufficient for the purpose shall be provided for in the following manner (namely) :—

(i) To the extent that such deficiency shall not exceed the produce of a twopenny rate at the option of the Corporation in any one or more of the following modes :—

(*a*) By varying the fares rates and charges ; or

(*b*) Reducing the working expenses ; or

(*c*) By the same being carried to a suspense account and being gradually reduced over a period of years not exceeding five ; or

(*d*) By the same being made good out of the improvement fund the next improvement rate to be made by the Corporation being increased accordingly ;

(ii) To the extent that such deficiency shall exceed the produce of a twopenny rate at the option of the Corporation in any one or more of the modes (*a*) (*b*) and (*c*) specified in paragraph (i) of this subsection.

(5) If and so long as the amount to the credit of the reserve account required by this section to be provided by the Corporation is not less than five thousand pounds the Corporation may in lieu of carrying to that account the amount by which the revenue in any year may exceed the expenditure for that year pay such amount into the improvement fund.

(6) Nothing in this section shall prevent the Corporation, after having in any financial year fixed in accordance with the provisions of subsection (1) of this section the tolls fares and charges to be levied by them for the use of the omnibus service or services, from at any time and from time to time when they think proper during that year increasing reducing altering or varying the tolls fares and charges so fixed but so that the said tolls fares and charges as increased altered or varied shall not exceed the maximum tolls fares and charges authorised by the Act of 1918 Provided that no such increase reduction alteration or variation as aforesaid shall be made except upon an estimate laid before the Corporation by the City

Digitized by Google

A.D. 1924.

Accountant of the revenue to be derived for the remainder of the year in question from the working and use of the omnibus undertaking and of the sums required to meet for the remainder of that year such expenses as are referred to in subsection (1) of this section Provided also that nothing in this subsection shall relieve the Corporation from their obligation under subsection (1) of this section to secure that so far as can be reasonably foreseen the revenue for the whole of the year in question will meet the expenditure for that year.

(7) Section 122 (Estimate of working expenses and adjustment of fares) of the Act of 1918 so far as the same relates to the omnibus undertaking of the Corporation is hereby repealed and as from the 31st day of March nineteen hundred and twenty-four the Corporation shall not be and shall be deemed not to have been under any obligation to observe the provisions of that section in relation to the omnibus undertaking.

PART VIII.

MARKETS.

Power to utilise Corporation markets for other than market purposes.

88.—(1) The Corporation may with the consent of the Ministry of Home Affairs sell exchange demise let grant in fee farm or otherwise dispose of or may appropriate and utilise for any of the purposes of the Corporation all or any part or parts of the following Markets of the Corporation (that is to say):—

(*a*) The Victoria Market.

(*b*) The Butter Market.

(*c*) The Waterside Market.

(2) Any portion or portions of the Corporation markets sold exchanged demised granted or otherwise disposed of or appropriated and utilised for any of the purposes of the Corporation under the provisions of subsection (1) of this section shall be thereupon released from any provisions applicable to such markets and from any market or other rights thereover.

(3) If the Corporation sell exchange demise let grant in fee farm or dispose of the said Waterside Market or any part thereof or appropriate or utilise that Market or any part thereof for any purpose other than market purposes the Corporation shall pay to the Irish Society the full

Digitized by Google

A.D. 1924.

yearly rent or sum of £36 sterling reserved by the Deed of Fee Farm Grant from the Irish Society to the Corporation of the 11th day of February, 1908, and at the dates and in the manner in the said Deed mentioned.

PART IX.

FINANCIAL.

Power to Corporation to redeem annual sum payable to Irish Society.

89. If at any time after the passing of this Act the Corporation shall give to the Irish Society notice in writing of their intention to redeem the annual sum of eighteen pounds nine shillings and two pence made payable to the Irish Society for ever under the provisions of the Bridge Acts of 1859 and 1877 and under a Deed of grant dated the 23rd day of March 1887 made between the Irish Society of the one part and the Commissioners of the other part and a Deed of Confirmation dated the 25th day of July 1887 made between the same parties the Corporation shall be entitled to redeem the same for such price or consideration being a sum in gross as may be agreed upon between the Corporation and the Irish Society or as failing agreement shall be determined by arbitration and the provisions of the Lands Clauses Acts with reference to the purchase and taking of lands otherwise than by agreement as amended by the Acquisition of Land (Assessment of Compensation) Act 1919 shall with the necessary alterations extend to the redemption of the said annual sum as if the same were lands within the meaning of those Acts.

Power to borrow.

90. (1) The Corporation may from time to time independently of any other borrowing power borrow at interest any sum or sums of money for the purposes hereinafter mentioned not exceeding the respective amounts following (that is to say):—

(A) For the repayment of any moneys paid by the Corporation in discharge of the debts and liabilities of the Commissioners (including any increase in any such debts and liabilities which may arise by reason of the provisions of the section of this Act the marginal note of which is "For protection of the Londonderry and Tyrone County Councils") the sum requisite for the purpose.

Digitized by Google

A.D. 1924.

(B) For the payment of any compensation to officers by this Act authorised to be paid by the Corporation the amount of such compensation.

(C) For the purchase of the estate and interest of any lessee or licensee under any lease or licence from the Commissioners of the ferry tolls and for the purchase of any lease or licence to use land in connection with the ferries the sums requisite for those purposes respectively.

(D) For the provision of boats machinery landing stages and other works in connection with the ferries the sum of ten thousand pounds.

(E) For the purchase of lands and easements for and for the execution of the Bridge Improvement by this Act authorised the sum of two hundred and ninety thousand pounds.

(F) For the purchase of lands for and for the construction of the waterworks by this Act authorised the sum of one thousand pounds.

(G) For the purchase of lands for and for the construction of the street improvement and works by this Act authorised the sum of three thousand five hundred pounds.

(H) For the purchase of lands for the extension of the City Cemetery the sum of four thousand one hundred and twenty-five pounds.

(I) For the purchase of lands for and for the erection of a substation for transforming electricity or for other the purposes of the electricity undertaking the sum of eleven thousand seven hundred pounds.

(J) For the purchase of lands for the general improvement of the City the sum of six thousand pounds.

(K) For extinguishing the accumulated deficiency in the working of the omnibus undertaking as at the expiration of the financial year ending on the thirty-first day of March one thousand nine hundred and twenty-four the sum requisite for the purpose.

(L) For paying the costs charges and expenses of this Act as hereinafter provided and the costs

Digitized by Google

charges and expenses which if this Act had not been passed would have been payable by the Commissioners under Section 9 of the Bridge Act of 1922 (which costs charges and expenses shall be paid by the Corporation) the sums requisite for those purposes respectively.

The Corporation may also with the consent of the Ministry of Home Affairs borrow such further money as the Corporation may require for any other of the purposes of this Act.

(2) The Corporation shall out of the improvement fund and improvement rate and notwithstanding any limits placed by any Act upon the amount of such rate which limits are hereby removed for the purposes of this section pay off all money borrowed by them under subsection (1) of this section within the respective periods (each of which is in this Act referred to as "the prescribed period") following (that is to say):—

As to money borrowed for the purposes (A) (B) (E) (F) (G) (H) and (J) mentioned in this section within sixty years from the date or dates of borrowing the same.

As to money borrowed for the purpose (C) mentioned in this section within thirty years from the date or dates of borrowing the same.

As to money borrowed for the purpose (D) mentioned in this section within fifteen years of the date or dates of borrowing the same.

As to money borrowed for the purpose (I) mentioned in this section within twenty-seven years from the date or dates of borrowing the same.

As to money borrowed for the purpose (K) mentioned in this section within ten years from the date or dates of borrowing the same.

As to money borrowed for the purpose (L) mentioned in this section within five years from the passing of this Act.

As to money borrowed with the consent of the Ministry of Home Affairs within such period as may be prescribed by that Ministry.

Digitized by Google

A.D. 1924.

(3) In order to secure the repayment of the money borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge—

As regards moneys borrowed for the purposes (A) (B) and (E) hereinbefore mentioned the revenue of the bridge undertaking and the improvement fund and improvement rate.

As regards moneys borrowed for the purposes (C) and (D) hereinbefore mentioned the revenue of the ferries undertaking and the improvement fund and improvement rate.

As regards moneys borrowed for the purpose (F) hereinbefore mentioned the revenue of the water undertaking and the improvement fund and improvement rate.

As regards moneys borrowed for the purposes (G) (H) (J) (K) and (L) hereinbefore mentioned the improvement fund and improvement rate.

As regards moneys borrowed for the purpose (I) hereinbefore mentioned the revenue of the electricity undertaking and the improvement fund and improvement rate.

As regards moneys borrowed with the consent of the Ministry of Home Affairs such fund rate or revenue as may be prescribed by that Ministry.

The provisions of this section shall not limit the powers conferred on the Corporation by Section 259 (Power to use one form of mortgage for all purposes) of the Act of 1918 as applied for the purposes of this Act.

Incorporation of provisions of Act of 1918.

91.—(1) The following sections of the Act of 1918 (that is to say):—

Section 251 (Certain regulations of Public Health (Ireland) Act 1878 not to apply);

Section 252 (Application of moneys borrowed);

Section 253 (Provisions as to mortgages);

Section 254 (Protection of lender from inquiry);

Section 255(Mode of payment off of money borrowed);

Digitized by Google

A.D. 1924.

Section 256 (Sinking fund);

Section 258 (Power to use sinking fund instead of borrowing);

Section 259 (Power to use one form of mortgage for all purposes);

Section 260 (Corporation not to regard trusts);

Section 261 (Power to re-borrow);

Section 262 (Returns to Local Government Board respecting sinking fund);

Section 263 (Power to invest sinking funds in statutory securities);

shall extend and apply mutatis mutandis to and in relation to the borrowing of moneys by the Corporation on mortgage under the powers of this Act and to the repayment and application of moneys so borrowed and otherwise in respect of such mortgages as if those sections had been re-enacted in this Act with reference thereto.

(2) For the purposes of the above-mentioned sections of the Act of 1918 as applied by this section the periods prescribed for repayment of borrowed moneys by the section of this Act the marginal note whereof is "Power to borrow" shall respectively be deemed to be the prescribed periods referred to in those sections or some of them.

Commencement of payment to sinking fund.

92. It shall not be obligatory upon the Corporation to commence to make any payment to the sinking fund or to commence the repayment by instalments of any moneys to be borrowed by them for or in connection with the purchase of lands and easements for and for the execution of the Bridge Improvement until the expiration of a period of seven years from the date of the borrowing of such moneys. Except as hereinbefore in this section provided the first payment by instalments or to the sinking fund shall be made within one year from the time of the borrowing of the moneys in respect of which such payment is to be made.

Separate accounts of the bridge and ferries undertakings &c.

93. The Corporation shall keep separate and distinct accounts of their receipts and expenditure on capital and revenue account for the purpose of the bridge undertaking and of the ferries undertaking.

Digitized by Google

A.D. 1924.

Revenue and deficiency account in respect of bridge undertaking.

94.—(1) The Corporation shall apply all money received by them on account of the revenue of the bridge undertaking in the manner and in the order following (that is to say):—

First in paying annually to the Irish Society and for ever or until such time as the same shall be redeemed under the provisions of the section of this Act of which the marginal note is "Power to Corporation to redeem annual sum payable to Irish Society" the sum of nine pounds four shillings and sevenpence being one-half of the sum of eighteen pounds nine shillings and twopence secured to the Irish Society under the provisions of the Londonderry Bridge Acts 1859 and 1877 and otherwise:

Secondly in payment of the working and establishment expenses and cost of maintenance of the bridge undertaking:

Thirdly in payment of the interest on moneys borrowed by the Corporation for the purposes of the bridge undertaking:

Fourthly in providing the requisite appropriation instalments or sinking fund payments in respect of moneys borrowed for the purposes of the bridge undertaking:

Fifthly in extending and improving (if the Corporation think fit) any works for the purposes of such undertaking:

Sixthly in providing a reserve fund (if the Corporation think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to ten thousand pounds which fund shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the bridge undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of such undertaking or for payment of the cost of renewing improving or extending any part of the works forming part thereof and so that if that fund be at any time

Digitized by Google

reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens. Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

In this subsection the expression " moneys borrowed by the Corporation for the purposes of the bridge undertaking" shall include all moneys borrowed for the purposes described in paragraphs (A) (B) and (E) of the section of this Act the marginal note of which is " Power to borrow."

(2) The Corporation shall carry to the credit of the improvement fund so much of any balance remaining in any year of the revenue of the bridge undertaking (including the interest on the reserve fund when such fund amounts to the prescribed maximum) as may in the opinion of the Corporation not be required for carrying on the undertaking and paying the current expenses connected therewith.

(3) Any deficiency in the revenue of the bridge undertaking in any year shall be made good by the Corporation out of the improvement fund and the next improvement rate to be made by the Corporation shall be increased so far as may be necessary to raise money to recoup to the improvement fund the amount so defrayed out of that fund.

Revenue and deficiency account in respect of ferries undertakings.

95.—(1) The Corporation shall apply all money received by them on account of the revenue of the ferries undertaking in the manner and in the order following (that is to say):—

First in paying annually to the Irish Society and for ever or until such time as the same is redeemed under the provisions of the section of this Act of which the marginal note is " Power to Corporation to redeem annual sum payable to Irish Society " the sum of nine pounds four shillings and sevenpence being one-half of the sum of eighteen pounds nine shillings and twopence secured to the Irish Society under the provisions

Digitized by Google

A.D. 1924.

of the Londonderry Bridge Acts 1859 and 1877 and otherwise:

Secondly in payment of the working and establishment expenses and cost of maintenance of the ferries undertaking:

Thirdly in payment of the interest on moneys borrowed by the Corporation for the purposes of such undertaking:

Fourthly in providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of such undertaking:

Fifthly in extending and improving (if the Corporation think fit) any works for the purposes of such undertaking:

Sixthly in providing a reserve fund (if the Corporation think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to five thousand pounds which fund shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the ferries undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of such undertaking or for payment of the cost of renewing improving or extending any part of the works forming part thereof and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens. Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

And the Corporation shall carry to the improvement fund so much of any balance remaining in any year of the revenue of the ferries undertaking (including the interest on the reserve fund when such fund amounts to the prescribed

Digitized by Google

A.D. 1924.

maximum) as may in the opinion of the Corporation not be required for carrying on the undertaking and paying the current expenses connected therewith.

(2) Any deficiency in the revenue of the ferries undertaking shall be made good by the Corporation out of the improvement fund and the next improvement rate to be made by the Corporation shall be increased so far as may be necessary to raise money to recoup to the improvement fund the amount so defrayed out of that fund.

PART X.

MISCELLANEOUS.

Power to advertise the City.

96. The Corporation may advertise the City and the advantages facilities and amenities thereof in such way as they shall think fit and may defray the expenses of such advertising out of the improvement fund or the improvement rate. Provided that the sums expended by the Corporation under the provisions of this section shall not in any one financial year exceed the amount that could be raised by a rate of one halfpenny in the pound on the rateable value of the City.

Power to appoint Deputy Mayor.

97.—(1) The Mayor may from time to time appoint an Alderman or Councillor to act as Deputy Mayor during the illness or absence of the Mayor.

(2) The appointment shall be signified to the Council in writing and be recorded in the Minutes.

(3) A Deputy Mayor may while acting as such do all acts which the Mayor as such might do except that he shall not take the chair at a meeting of the Council unless specially appointed by the meeting to do so and shall not unless he is a justice act as a justice or in any judicial capacity.

Confirmation of Bye-laws.

98. The provisions of the following sections of the Public Health (Ireland) Act 1878 (namely):—

Section 219 (Authentication and Alteration of Bye-laws);

Section 220 (Power to impose penalties on breach of Bye-laws);

Section 221 (Confirmation of Bye-laws);

Digitized by Google

A.D. 1924.

Section 222 (Bye-laws to be printed &c.); and

Section 223 (Evidence of Bye-laws);

so far as they relate to bye-laws made by an Urban Sanitary Authority shall apply to all bye-laws made by the Corporation under the powers of this Act.

Provided that—

(i) The Confirming Authority shall so far as regards matters within the jurisdiction of the Ministry of Commerce be that Ministry and so far as regards matters within the jurisdiction of the Ministry of Home Affairs be that Ministry;

(ii) A copy of the proposed bye-laws shall be sent by the Corporation to the Irish Society, at the Irish Chamber in London, to the Harbour Commissioners and to the London Midland and Scottish Railway Company twenty-eight days at least before application is made for their confirmation and the Irish Society the Harbour Commissioners and the London Midland and Scottish Railway Company shall respectively be entitled to make representations in regard thereto to the Confirming Authority; and

(iii) Notwithstanding anything in Section 251 of the Public Health (Ireland) Act 1878 proceedings for the recovery of any penalty imposed by any such bye-law may be taken by the Corporation without the consent in writing of any Law Officer of the Government of Northern Ireland.

Incorporation of further provisions of Act of 1918.

99. The following sections of the Act of 1918 shall so far as they are applicable for the purposes extend and apply with the necessary modifications to and in relation to this Act and be incorporated with and form part of this Act (that is to say):—

Section 267 (Expenses of executing Act);

Section 278 (Consent of Corporation to be in writing);

Section 279 (As to breach of conditions of consent of Corporation);

Section 280 (Evidence of appointments authority &c.);

Digitized by Google

A.D. 1924.

Section 281 (Authentication and service of notices);

Section 283 (Persons acting in execution of Act not to be personally liable);

Section 286 (Recovery of demands);

Section 287 (Compensation how to be determined);

Section 289 (Informations by whom to be laid);

Section 290 (Judges not disqualified);

Section 291 (Recovery of penalties);

Section 292 (Penalties to be paid over to Treasurer);

Section 293 (As to appeal);

Section 294 (Saving from indictments);

Section 296 (Inquiries by Local Government Board); (Provided that the said section shall be read and have effect as if the word "five" were substituted for the word "three" in subsection (2) of that section);

Section 297 (As to arbitrations);

Section 298 (Powers of Act cumulative).

For protection of Harbour Commissioners.

100. For the protection of the Harbour Commissioners the following provisions shall unless otherwise agreed in writing between the Harbour Commissioners and the Corporation apply and have effect (that is to say):

(1) Not less than fourteen days before commencing the execution under the powers of this Act of any work to be constructed in or upon the bed or banks of the River Foyle the Corporation shall submit to the Harbour Commissioners for their reasonable approval plans sections and particulars of such work and no such work shall be executed otherwise than in accordance with such plans sections and particulars as approved by the Harbour Commissioners or in case of any difference between them and the Corporation with reference thereto as settled by arbitration as hereinafter provided Provided that if the Commissioners shall not within fourteen days after the submission to them of such plans

Digitized by Google

A.D. 1924.

sections and particulars intimate in writing to the Corporation their objection thereto or make any requirement with respect thereto they shall be deemed to have approved thereof.

(2) The Corporation shall give to the Harbour Commissioners not less than seven days' notice of the time at which they intend to commence the execution of any such works as are referred to in subsection (1) of this section and the Engineer of the Harbour Commissioners or some other person appointed by them in that behalf shall be entitled to attend the execution of the said works in order to satisfy himself that the same are being executed in accordance with the plans sections and particulars which shall have been agreed or settled under the provisions of subsection (1) of this section.

(3) The Corporation shall not except with the consent in writing of the Harbour Commissioners execute or do any work or thing which shall reduce the clear headway (as existing immediately before the passing of this Act) under so much of the bridge as is constructed immediately over the River Foyle or obstruct or interfere with the free safe and uninterrupted navigation of the Port and Harbour of Londonderry Provided that nothing in this subsection shall preclude the Corporation from widening raising or reconstructing the existing bridge in accordance with the provisions of the proviso to the section of this Act of which the marginal note is "Power to Corporation to execute Bridge works."

(4) Nothing in this Act or arising out of the transfer shall in any way alter or affect the provisions of Section 54 (No jetties &c. to be built except with consent of Commissioners) of the Londonderry Port and Harbour Act 1854 or of Section 30 (Power to licence boatmen and boats) of the Londonderry Port and Harbour Act 1920.

(5) The Corporation shall not without the consent of the Harbour Commissioners or otherwise than subject to such reasonable conditions as those

Digitized by Google

Commissioners may in giving any such consent impose store or place or permit to be stored or placed any inflammable explosive or dangerous goods articles or things in or upon any landing place landing stage pontoon or slip or the approaches thereto.

(6) Notwithstanding anything contained in this Act the Corporation shall not except in cases of emergency and except when it becomes necessary to open the bridge for the passage of vessels or for the purpose of testing the machinery of the bridge at any time close the lower roadway of the bridge until after the expiration of seven days' notice to be given by them in writing to the Harbour Commissioners.

(7) The Corporation shall not remove alter or interfere with any lines of rails capstans cables or other works or apparatus belonging to or used by the Harbour Commissioners for or in connection with the haulage of traffic on the lower roadway of the bridge so as to interrupt or interfere with the continuity of such haulage or otherwise than in such manner and upon and subject to such terms and conditions as the Harbour Commissioners may reasonably direct and impose.

(8) The provisions of subsections (6) and (7) of this section shall cease to have effect as from the date on which the Harbour Commissioners discontinue the haulage of traffic on the lower roadway of the bridge.

(9) If any difference shall arise between the Harbour Commissioners and the Corporation under the provisions of this section such difference shall be referred to and determined by a single arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the Ministry of Commerce.

For protection of Irish Society and their lessees.

101. For the protection of the Irish Society (in this section called " the Society ") and their lessees the follow-

Digitized by Google

A.D. 1924.

ing provisions shall unless otherwise agreed between the Corporation and the Society have effect that is to say :—

(1) Notwithstanding anything in this Act or on the deposited plans or in the deposited book of reference the Corporation shall not acquire any portion of the shores bed or soil of the River Foyle but the Society shall if required by the Corporation grant and convey to the Corporation and the Corporation may acquire an easement of constructing the Bridge Improvement and thereafter maintaining the bridge across the River Foyle and the provisions of the Lands Clauses Acts with reference to the acquisition of lands otherwise than by agreement as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and by subsection (9) of this section shall apply to the acquisition of such easement as if the same were lands within the meaning of those enactments Provided nevertheless that in determining the amount of compensation payable by the Corporation to the Society in respect of such easement the arbitrator shall have regard to the fact that the existing Bridge and all rights powers and authorities and privileges of the Commissioners with respect to the maintenance of the same are included in the bridge and ferries undertaking of the Commissioners transferred to the Corporation under the provisions of this Act.

(2) Before constructing any part of the Bridge Improvement or any works (whether temporary or permanent) connected therewith on over or under the bed soil shores or banks of the River Foyle or within ten yards therefrom (which part of the Bridge Improvement and works are hereinafter referred to as "the specified works") the Corporation shall submit to the Society at the Irish Chamber in London particulars of such works and also for their reasonable approval plans and sections (in the case of any work in respect of which plans and sections are prepared) and details of the mode and method proposed to be adopted in constructing the specified works

Digitized by Google

A.D. 1924

and the Society may make such reasonable requirements with reference to any of the specified works as shown upon the said plans and sections if any and with reference to the mode or method of constructing any of the specified works as may be reasonably necessary for the purpose of avoiding so far as possible any interference with their several fishery and the exercise by themselves or their lessees of their fishing rights and the Corporation shall comply with such requirements accordingly or in the event of their disagreeing with any such requirements or disputing the necessity for the same the requirements shall be referred to arbitration and the specified works shall be constructed in accordance with such plans and sections if any and with such requirements if any as may be settled by the arbitrator Provided that if the Society shall not within 28 days after the submission to them of the said plans and sections if any and of the details of the mode and method of construction of any of the specified works intimate in writing to the Corporation their requirements with reference thereto respectively they shall be deemed to have approved thereof.

(3) (*a*) The Corporation shall execute the Bridge Improvement in such manner that at all times during the period of the execution thereof:—

(i) The width of unobstructed waterway between any two adjacent piers of the Bridge shall not be less than forty feet Provided that nothing in this provision shall require the Corporation to alter any part of the existing bridge so as to provide an increased width of unobstructed waterway between the piers thereof in any case where such width as existing at the passing of this Act is less than forty feet;

(ii) No noise or vibration shall be caused by the construction of any work or the doing or omission of any act or thing by the Corporation below high-water mark of ordinary spring tides between the 1st day of June and the 15th day of August (both inclusive)

Digitized by Google

A.D. 1924.

in any year and that no piles shall be driven nor works executed outside the piers below such high-water mark between the said dates; and

(iii) No lime cement or other matter deleterious to fish or fry shall be allowed to be conveyed or cast into the River Foyle and that the waters of the said river shall not be otherwise poisoned or polluted by any act or omission of the Corporation.

(*b*) The Corporation shall be responsible for and make good to the Society and their lessees any damage or injury which may have been caused or result from breach or non-observance by the Corporation of the provisions of sub-paragraph (iii) of paragraph (*a*) of this subsection Provided that nothing in this paragraph shall prejudice or deprive the Society or their lessees of any right of action or remedy to which they may be entitled in respect of any breach or non-observance by the Corporation of any provisions of this section.

(4) If the Corporation require to demolish or remove the existing bridge or any part thereof the Corporation shall prior to commencing the demolition or removal submit to the Society for their reasonable approval details of the mode and method proposed to be adopted in demolishing or removing the same together with notice of the time at which the Corporation propose to commence the demolition or removal and the Society may make such reasonable requirements with reference to the mode of demolition and removal and the details thereof and the time at and within which the same shall be carried out and completed for the purpose of avoiding so far as possible any interference with their several fishery and the exercise by themselves or their lessees of their fishing rights and the Corporation shall comply with such requirements accordingly or in the event of their disagreeing with any such requirements or disputing the necessity for the same the requirements shall be referred to arbitration and the work of demolition or re-

Digitized by Google

moval shall be carried out in accordance with such requirements as may be settled by the Arbitrator Provided that if the Society shall not within 28 days after the submission to them of the details of the mode and method of demolishing or removing the existing bridge intimate in writing to the Corporation their requirements with reference thereto they shall be deemed to have approved thereof.

(5) In constructing the specified works the Corporation shall take all reasonable precautions to avoid impeding capturing injuring or disturbing fish and fry. In particular the Corporation shall not (*a*) carry out or permit any blasting operations in the River Foyle between the 1st day of June and the 15th day of August (both inclusive) in any year nor (*b*) carry out or permit any such blasting operations in the said river at any other times except inside a coffer dam or cylinder and except in such manner and at such times as may be reasonably approved by the Society.

(6) The specified works shall when commenced by the Corporation be proceeded with and completed as soon as practicable and the Corporation shall within a reasonable time after the completion of the specified works remove any temporary works and materials for temporary works which may have been placed by the Corporation in the River Foyle or on the bed soil shores or banks thereof. If the Corporation fail to do so the Society may after the expiration of not less than one month's notice given by them to the Corporation of their intention so to do remove the same and recover the reasonable cost of so doing from the Corporation.

(7) If it shall be necessary in reconstructing the bridge to remove the plate or tablet now affixed to the north end of the east side of the bridge on which plate or tablet is recorded the fact that the bridge was declared toll free and the mode in which the cost of freeing the bridge was raised and paid the Corporation shall re-affix such plate or tablet in such position on the reconstructed bridge as may be approved by the Society and

Digitized by Google

A.D. 1924.

shall not in so doing in any way injure the same. The Corporation also shall not disfigure or obliterate or permit to be disfigured or obliterated the said plate or tablet whether the same be removed or re-affixed or otherwise.

(8) In the execution of any works and in the exercise of any powers by this Act authorised or conferred the Corporation shall not obstruct damage or interfere with any stake or other net or any tackle or equipment or other thing belonging to the Society or their lessees and used in connection with the several fishery of the Society and shall not unreasonably or unnecessarily interfere with the exercise by the Society or their lessees of any rights of fishing or taking of fish or with the run of fish or fry.

(9) Notwithstanding anything in the Railways (Ireland) Act 1851 or any Act amending the same or in the Acquisition of Land (Assessment of Compensation) Act 1919 the consideration to be paid by the Corporation to the Society for any lands or easements acquired by the Corporation from the Society under this Act and any case of disputed compensation and any difference which may arise between the Corporation and the Society under this section and any matter which by this section is required to be determined by arbitration shall be referred to and settled (in default of agreement) by an arbitrator to be agreed between the parties or failing agreement to be appointed by the Ministry of Home Affairs but subject as aforesaid the provisions of the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 shall apply to the settlement of any such consideration or case of disputed compensation as aforesaid.

For protection of Strabane Urban District Council.

102. For the protection of the Strabane Urban District Council (in this section called "the Council") the following provisions shall unless otherwise agreed in writing between the Council and the Corporation apply and have effect (that is to say):—

Digitized by Google

A.D. 1924.

(1) Notwithstanding anything in this Act the Corporation shall not execute or do any work or thing which shall reduce the clear headway (as existing immediately before the passing of this Act) under so much of the Bridge as is constructed immediately over the River Foyle to any extent greater than three inches.

(2) The Corporation shall execute the Bridge Improvement in such manner that at all times during the period of the execution thereof:—

(*a*) one or other of the two spans of the Bridge immediately next to and on either side of the opening span thereof (as existing immediately before the passing of this Act) shall be left open for the uninterrupted passage of vessels; and

(*b*) the width of unobstructed waterway between the piers supporting the span which shall be left open in accordance with the provisions of paragraph (*a*) of this subsection shall not be less than seventy-nine feet.

Saving rights of the Irish Society.

103. Except only as is by this Act expressly provided nothing in this Act contained shall extend to prejudice diminish alter or take away any of the jurisdictions franchises estates rights privileges powers or authorities vested in or enjoyed by the Irish Society under or by virtue of any charter or charters heretofore granted to them by the Crown or any statute or statutes in anywise relating thereto.

Saving rights of Harbour Commissioners.

104. Nothing in this Act or done thereunder shall in any way derogate from prejudice or affect the rights powers jurisdiction or privileges of the Harbour Commissioners as the Port and Harbour Authority of the Port and Harbour of Londonderry.

Crown Rights.

105.—(*a*) Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

(*b*) Without prejudice to any existing right of His Majesty and save as provided by the Army Act and the Air Force Act, nothing in this Act shall extend to authorise any tolls rates duties or charges to be demanded

Digitized by Google

A.D. 1924.

or received from any person when on duty in the service of the Crown or in respect of any animal vehicle vessel or goods the property of or being used in the service of the Crown or returning after being so used or from any police officer or constable acting in the execution of his duty or for any mail bag as defined by the Post Office Act 1908. In this sub-section the expression "tolls" means any bridge or ferry tolls authorised by this Act and includes charges recoverable under this Act in like manner as bridge and ferry tolls.

(*c*) If any person wilfully and with intent to defraud claims or takes the benefit of any exemption under this section without being entitled thereto he shall for every such offence be liable on summary conviction to a fine not exceeding ten pounds.

Costs of Act.

106. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the Parliament of Northern Ireland shall be paid by the Corporation in the first instance out of the improvement fund and improvement rate or the borough fund and borough rate but ultimately out of moneys to be borrowed under the authority of this Act for that purpose.

The Schedules referred to in the foregoing Act.

THE FIRST SCHEDULE.

Section 14.

CONTAINING PARTICULARS OF THE PROVISIONS OF THE BRIDGE ACTS OF 1859 AND 1877 EXCEPTED FROM REPEAL BY THE SECTION OF THE FOREGOING ACT THE MARGINAL NOTE WHEREOF IS "PARTIAL REPEAL OF COMMISSIONERS' ACTS &C."

TITLE OF ACT.	SECTION.
The Bridge Act of 1859.	40.—Communications not to be made without consent. 54.—Power to fix lamps etc. on the bridge. 55.—Power to contract for lighting of bridge. 60.—Penalty for committing offences hereinafter contained. 67.—Power to vary or reduce tolls. 68.—Power to stop any person refusing to pay toll. 70.—For punishing toll collectors misbehaving. 71.—Delivery of matters in possession or custody of toll collectors at removal.

Digitized by Google

A.D. 1924.

TITLE OF ACT.	SECTION.
The Bridge Act of 1877.	76.—Weights allowed to be carried over bridge. 77.—Power to erect weighing machine. 78.—Toll keeper may weigh carriages etc. 29.—Railway companies may contribute towards freeing upper and lower roadways from toll.

SECOND SCHEDULE.

PART I.

TOLLS IN RESPECT OF THE LOWER ROADWAY OF THE BRIDGE.

Section 25.

For every person conveyed in any carriage passing along the lower roadway of the bridge the sum of one penny.

For goods wares articles matters or things conveyed in any carriage waggon or truck passing along the lower roadway of the bridge the sum of fivepence per ton.

For every horse or other beast of draught or burden conveyed in any waggon or truck passing along the lower roadway of the bridge the sum of sixpence.

For neat cattle conveyed in any such waggon or truck the sum of two shillings and sixpence per score.

For calves and pigs conveyed in any such waggon or truck the sum of one shilling per score.

For sheep lambs and other small animals conveyed in any such waggon or truck the sum of eightpence per score.

For every four-wheeled carriage conveyed in any wagon or truck passing along the lower roadway of the bridge the sum of sixpence.

For every two-wheeled carriage conveyed in any wagon or truck passing along the lower roadway of the bridge the sum of fourpence.

In all cases where there shall be a fractional part of a halfpenny in the amount of any of the tolls the sum of one halfpenny shall be demanded and taken in lieu of such fractional part.

PART II.

TOLLS IN RESPECT OF THE FERRIES.

Section 26.

I. Tolls which may be demanded and taken by the Corporation for passengers crossing the River Foyle by means of a ferry of the Corporation for each crossing either way :—

For every person .. .. .. not exceeding 4d

II. Tolls which may be demanded and taken by the Corporation in respect of the conveyance of small parcels not exceeding twenty-eight pounds in weight consigned by a ferry of the Corporation :—

For every such parcel .. .. .. not exceeding 1*d*

Digitized by Google

A.D. 1924.

III. Tolls which may be demanded and taken by the Corporation in respect of the conveyance of animals carriages goods and articles (other than parcels as aforesaid) consigned by a ferry of the Corporation :—

Not exceeding the several tolls authorised to be demanded by the Corporation under Part I. of this Schedule in respect of the use of the lower roadway of the bridge for the passage or conveyance of animals carriages goods and articles.

In all cases where there shall be a fractional part of a halfpenny in the amount of any of the tolls the sum of one halfpenny shall be demanded and taken in lieu of such fractional part.

THE THIRD SCHEDULE.

PART I.

Section 79.

All that area of land containing sixteen and a half statute acres or thereabouts situate on the north-east side of Wildcat Lane in the parish of Templemore and belonging or reputed to belong to Andrew A. Watt bounded on the north-east and north-west by lands belonging or reputed to belong to the said Andrew A. Watt on the south-west by Wildcat Lane and on the south-east by the City Cemetery.

PART II.

All that area of land situate on the east side of Bond's Hill in the Parish of Clondermot belonging or reputed to belong to John Logue and in the occupation or reputed occupation of Andrew A. Watt bounded on the north by premises in the occupation of the Electric Picture Company or of the said John Logue along which it measures 125 feet 9 inches or thereabouts on the south by premises in the occupation of David Watt & Co. Ltd. along which it measures 91 feet 9 inches or thereabouts on the south-east by Simpson's Brae along which it measures 76 feet 6 inches or thereabouts and on the west by Bond's Hill, along which it measures 61 feet 11 inches or thereabouts.

PART III.

All that area of land situate on the north-eastern side of Foyle Street in the Parish of Templemore belonging or reputed to belong to the Irish Society and the representatives of Alexander Ector Orr respectively and in the occupation of the Corporation bounded on the north-east by lands and premises belonging or reputed to belong to the Irish Society and the representatives of Alexander Ector Orr respectively and in the occupation of Arthur Phillips along which it measures 58 feet or thereabouts on the south-west by Foyle Street along which it measures 72 feet or thereabouts on the north-west partly by Foyle Street and partly by property belonging or reputed to belong to Messrs. McDevitte and Donnell along which it measures 86 feet or thereabouts and on the south-east by premises belonging or reputed to belong to Messrs. H. S. Hamilton & Co. along which it measures 90 feet or thereabouts.

Digitized by Google

THE FOURTH SCHEDULE.

A.D. 1924.

Section 82.

DESCRIBING PROPERTIES IN RESPECT OF WHICH EASEMENTS ONLY MAY BE TAKEN COMPULSORILY.

PARISH OR PLACE.	NOS. ON DEPOSITED PLANS.
The City.	
Parish of Templemore.	9, 16, 17, 18, 19, 20, 23.
The City.	
Parish of Clondermot.	25, 29, 31.

B2209/4261 Wt. Pubns. 12. 1,000. 2/25. R. C. & S., Ld., B. Gp. 6.

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

NORTHERN IRELAND.

ADDENDA TO

Volumes of the Statutes

OF THE

Parliament of Northern Ireland, 1921-1924.

Subscribers to the volumes of these Statutes are provided with the annexed sheets for insertion in the appropriate volumes.

The Tables of Statutes of the Imperial Parliament applicable to Northern Ireland in respect of the years for which volumes of Statutes are issued for Northern Ireland will in future form an integral part of such volumes.

Digitized by Google

Digitized by Google

NOTE.

By the Government of Ireland Act, 1920 (10 & 11 Geo. 5, c. 67), section 6 (2), it is provided that--

> Where any Act of the Parliament of Northern Ireland deals with any matter with respect to which that Parliament has power to make laws which is dealt with by any Act of the Parliament of the United Kingdom passed after the appointed day* and extending to the part of Ireland within its jurisdiction the Act of the Parliament of Northern Ireland shall be read subject to the Act of the Parliament of the United Kingdom and so far as it is repugnant to that Act, but no further, shall be void.

and section (3) provides that—

> Any order rule or regulation made in pursuance of or having the force of an Act of Parliament of the United Kingdom shall be deemed to be a provision of an Act within the meaning of this section.

*3rd May, 1921.

Digitized by Google

Digitized by Google

TABLE OF STATUTES OF THE IMPERIAL PARLIAMENT PASSED IN THE YEAR 1921 (11 & 12 GEO. 5.) APPLICABLE IN NORTHERN IRELAND.

Chapter.	Subject Matter.	Section of Act as to applicability.
15	Unemployment Insurance*	6
19	Housing*	10 (6)
21	Dentists*	17 (2) (3)
24	Marriage with deceased brother's widow†	
25	National Health Insurance*	4
31	Police Pensions	8 (3)
34	Representation of People Act	
38	Licence duty for Salmon fishing*	2 (2)
53	Expiring Laws*	2 (2)
55	Railways Act section 86	
59	Irish Railways Settlement of Claims	
60	Shops (Sweets) Amendment	
62	Unemployed workers dependents temporary provision	
66	National Health Insurance (Prolongation of Insurance)*	3 (2) c
67	Local Authorities (Financial Provisions)	8 (2) c

*Deemed to have been passed before the appointed day, 3rd May, 1921. S. R. & O. (Imp.) 1921 No. 533, p. 349. Acts of Parliament of U. K. postappointed day override Acts of Parliament of Northern Ireland though on matters within powers of N. I. Parliament. 10-11 Geo. 5, c. 67, s. 6 (2) (3).

†See Deceased Brother's Widow's Marriage Act (Northern Ireland), 1924, 14 & 15 Geo. 5 (N.I.), c. 22.

Digitized by Google

Digitized by Google

TABLE OF STATUTES OF THE IMPERIAL PARLIAMENT PASSED IN THE YEAR 1922 (12 GEO. 5 AND 12 & 13 GEO. 5.). APPLICABLE IN NORTHERN IRELAND.

Chapter.	Subject Matter.	Section of Act as to applicability.
4	Irish Free State Agreement Act	3 (2)
12	Representation of People Act*	
17	Finance Act : (Provisions of Act relating to matters within powers of N. I. Parliament not to extend to Ireland).	49 (3)
22	Summer Time Act (temporary)	2 (2)
24	Guarantee of Northern Ireland Loans	
30	Unemployment Insurance No. 2	
38	National Health Insurance : Sections 2 and 4 apply to N. I.	2 (3)
	Otherwise the Act does not apply to N. I.	5 (3)
39	Oil in Navigable Waters*	8 (3), 8 (4)
41	Offences under Representation People Act, 1918*	2 (2)
44	British Nationality	
45	Telegraphs	
47	Railway and Canal Commission	
49	Post Office Parcels*	3 (3)
		3 (4)‡
50	Expiring Laws†	5 (2)
55	Constabulary Ireland Disbandment of R.I.C.	
13 Geo. 5 sess. 2		
c. 1	Irish Free State Constitution	
2	Irish Free State Consequential Provisions	

*Deemed to have been passed before the appointed day, 3rd May, 1921. Acts of Parliament of U. K. post-appointed day override Acts of Parliament of Northern Ireland though on matters within powers of N. I. Parliament. 10-11 Geo. 5, c. 67 s. 6 (2) (3).

†Applies to Northern Ireland so far as relating to matters not within powers of N. I. Parliament.

‡From 15th August, 1921.

Digitized by Google

Digitized by Google

TABLE OF STATUTES OF THE IMPERIAL PARLIAMENT PASSED IN THE YEAR 1923 (13 & 14 GEO. 5.) APPLICABLE IN NORTHERN IRELAND.

Chapter.	Subject Matter.	Section of Act as to applicability.
4	Fees (Increase)	11 (3)
5	Dangerous Drugs so far as it amends the Dangerous Drugs Act, 1920†	
12	Prohibition of legal proceedings in respect of action taken under Restoration of Order in Ireland Regulations (indemnity).	
14	Finance Illicit Distillation in Ireland, section 13	39 (3)*
27	Railway Fires Act, 1905, Amendment	
37	Expiring Laws†	
42	Workmen's Compensation	31 (3) (5)‡

†In relation to matters with respect to which the Parliament of Northern Ireland has not power to make laws as to other matters see 14 & 15 Geo. 5 (N.I.), c. 4.

*Such of the provisions as relate to matters with respect to which the Parliament of Northern Ireland has power to make laws shall not extend to Northern Ireland.

‡Enactments in 2nd Schedule repealed except so far as they relate to Northern Ireland.

Digitized by Google

Digitized by Google

TABLE OF STATUTES OF THE IMPERIAL PARLIAMENT PASSED IN THE YEAR 1924 (14 & 15 GEO. 5.) APPLICABLE IN NORTHERN IRELAND.

Chapter.	Subject Matter.	Section of Act as to applicability.
10	National Health Insurance Section 4 and not otherwise	5 (3)
15	Auxiliary Air Force British Islands	
21	Finance Act Game Certificates taken out in Northern Ireland to be available in Great Britain‡	17
22	Carriage of Goods by sea from any port in Great Britain or Northern Ireland	1
30	Unemployment Insurance†	17 (5)
38	National Health Insurance	Part viii.
39	Arbitration Clause Protocol Act	1 (2)
41	Irish Free State (Confirmation of Agreement) Act	

†Amending secs. 40 & 41 of 10 & 11 Geo. 5, c. 30, as they apply to Northern Ireland but save as aforesaid not to apply to Northern Ireland.

‡As to reciprocal provisions see 14 & 15 Geo. 5 (N.I.), c. 19, s. 6.

B3211/4606. Wt. 1578. 1,000. 3/25. R. C. & S., Ld., B. Gp. 16.

Digitized by Google

Digitized by Google

OXFORD UNIVERSITY LIBRARY

THE NORTHERN IRELAND LAW REPORTS

The Public General Statutes

PASSED BY THE PARLIAMENT OF

NORTHERN IRELAND

IN THE FOURTEENTH AND FIFTEENTH YEARS

OF THE REIGN OF HIS MAJESTY

KING GEORGE THE FIFTH

1924.

VOL. IV.

Belfast:

Printed by R. Garswell & Son, Limited.

FOR

WILLIAM RICHARD CODLING, Esq., C.VO., C.B.E.,
THE OFFICER APPOINTED TO PRINT THE ACTS,
OF THE PARLIAMENT OF NORTHERN IRELAND

AND

PUBLISHED BY THE COUNCIL OF LAW REPORTING, LAW LIBRARY,
LAW COURTS, BELFAST.

1925.

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google